

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 13:03
APRIL 11, 2013**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)

ABSENT WITH REGRETS: Mark Tinlin (Bedford District)
David Hahn (Bedford District)
Ken Gee (Storrington District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Anne Levac – Assistant Sec’y-Treasurer/Committee Clerk

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 13:03:01

Moved by: L. McCullough

Seconded by: L. York

THAT the April 11, 2013 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:01 p.m. with Ron Vandewal in the Chair.

Carried

Item #2: Adoption of Agenda

Adopted as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Approval of Minutes

RESOLUTION: C of A: 13:03:02

Moved by: W. Robinson

Seconded by: L. Redden

THAT the minutes of the March 14, 2013 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: S-06-13-P, S-07-13-P, S-08-13-P (Myers)

Speaking to the Application: Shaun Myers

Discussion

The subject lands consist of 96+/- acres with frontage on Harrowsmith Road and Alton Road, and are developed with a house and accessory buildings. The proposal is for the creation of 3 residential lots, 2+ acres each, to front on Alton Road. There have been no objections to the applications, although the Roads Department has indicated that the centre lot is somewhat limited in terms of a possible entrance location.

The applications were deferred at the March meeting because no report had been received from Public Health. It has now been confirmed that Public Health has no objection to the creation of the lots.

RESOLUTION: C of A: 13:03:03

Moved by: W. Robinson

Seconded by: L Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-06-13-P by Shaun & Myers to create a residential lot in concession 5, lot 5/6, Alton Road, District of Portland, subject to conditions.

Carried

Application No:	S-06-13-P
Owner:	Shaun & Shannon Myers
Location of Property:	Concession 5, Lot 5/6, Alton Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 14, 2013
Date of Decision:	April 11, 2013

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-06-13-P be for a 2+ acre lot, with 250+ ft. frontage on Alton 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
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 land 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 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.
 8. The applicant shall mark the location of the entrances to the severed lots, in consultation with the Roads Department.

RESOLUTION: C of A: 13:03:04

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-07-13-P by Shaun & Shannon Myers to create a residential lot in concession 5, lot 5/6, Alton Road, District of Portland, subject to conditions.

Carried

Application No:	S-07-13-P
Owner:	Shaun & Shannon Myers
Location of Property:	Concession 5, Lot 5/6, Alton Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 14, 2013
Date of Decision:	April 11, 2013

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-07-13-P be for a 2+ acre lot, with 250+ ft. frontage on Alton 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
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 land 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 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.
8. The applicant shall mark the location of the entrances to the severed lots, in consultation with the Roads Department.

RESOLUTION: C of A: 13:03:05

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-08-13-P by Shaun & Shannon Myers to create a residential lot in concession 5, lot 5/6, Alton Road, District of Portland, subject to conditions.

Carried

Application No:	S-08-13-P
Owner:	Shaun & Shannon Myers
Location of Property:	Concession 5, Lot 5/6, Alton Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	March 14, 2013
Date of Decision:	April 11, 2013

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-08-13-P be for a 2+ acre lot, with 250+ ft. frontage on Alton 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
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 land 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 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.
8. The applicant shall mark the location of the entrances to the severed lots, in consultation with the Roads Department.

Item #6: MV-24-12-B (Pichora)

Speaking to the Application: Mac Gervan, Debra Pichora

Discussion

This application is for approval of additions to an existing dwelling on Devil Lake. The applicants had previously received approval to construct a new dwelling further from the lake, but

subsequently decided to apply for these additions. The application includes the removal of a portion of the original dwelling and an existing deck, and the construction of an addition to the dwelling, including a screened porch. Some adjustments have been made to the application, including a slightly greater setback, and the applicants have submitted an Environmental Impact Assessment. There was discussion among Committee members regarding the proposal, and L. Mills indicated that he would have liked to see more details in the report about the environmental impacts of the construction. Because neither of the Bedford District Committee members was present, the Committee decided to defer a decision until such time as those members had had an opportunity to comment on the EIA.

RESOLUTION: C of A: 13:03:06

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-24-12-B, as amended, by David & Debra Pichora, to construct additions to an existing dwelling, within 30m of the high wager mark of Devil Lake, in concession 9, lot 12, District of Bedford, to provide further opportunity for comments from the Bedford District representatives.

Carried

Item #7: S-05-13-P (Leonard)

Speaking to the Application: Steven Leonard

Discussion

The subject property consists of 98+/- acres with frontage on Boyce and Petworth Roads, and is developed with a dwelling and accessory buildings. The proposal is for the creation of a 2 acre residential lot, to front on Petworth Road. A letter of objection was received from the owner of abutting property regarding drainage, water and fencing. The Roads Department has concerns about the fact that a drain runs through the lot, and the subject lands are participants in the Pleasant Valley Drain. A condition will be included which requires that any portion of the Pleasant Valley Drain which runs through the severed lot will be the responsibility of the owner of that lot. The Township has a fence by-law, and all property owners must abide by this by-law and the Line Fences Act.

RESOLUTION: C of A: 13:03:07

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-05-13-P by Steven Leonard, to create a residential lot in concession 7, lot 8, Petworth Road, District of Portland, subject to conditions.

Carried

Application No:	S-05-13-P
Owner:	Steven J. Leonard
Location of Property:	Concession 7, Lot 8, Petworth Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 11, 2013
Date of Decision:	April 11, 2013

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-05-13-P shall be for a 2+ acre lot, with 410 +/- ft. frontage on Petworth 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
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 land 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 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.
8. The severed and retained lots shall be responsible for their proportionate share of any expenses related to their inclusion within the Pleasant Valley Drain.

Item #8: S-09-13-S (Serson)

Discussion

The subject property consists of 200+/- acres with frontage on Burnt Hills Road, and is developed with a dwelling and accessory building. The proposal is for the creation of a 2 acre residential lot, to contain the existing buildings. An old barn on the retained parcel is to be demolished. There were no objections to the proposal, and the Roads Department has indicated that there would be no issue with obtaining an entrance to the retained parcel.

RESOLUTION: 13:03:08

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-09-13-S by Garry & Donna Serson, to create a residential lot with existing dwelling, in concession 11, lot 31, Burnt Hills Road, District of Storrington.

Carried

Application No:	S-09-13-S
Owner:	Garry and Donna Serson
Location of Property:	Concession 11, Lot 31, Burnt Hills Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot with existing dwelling
Date of Hearing:	April 11, 2013
Date of Decision:	April 11, 2013
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-09-13-S shall be for a 2+ acre lot, with 250 + ft. frontage on Burnt Hills Road. The dwelling and shed at 684 Burnt Hills Road shall be included in the new lot. The east lot line of the severed lot must be a minimum of 10 ft. from the dwelling and shed.
3. The barn on the retained parcel must be removed.
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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
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 land 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.**

8. The applicant shall provide evidence of potable water on the severed parcel.

Item #9: S-10-13-P, S-11-13-P (Soule)

Speaking to the Application: Eric Soule

Discussion

The subject property consists of 45+ acres with frontage on Murvale and Amey Road, and is developed with a dwelling and accessory buildings. The proposal is for the creation of 2 residential lots, two acres each, to front on Amey Road. There were no objections to the applications, although the Roads Department has concerns about the fact that a drain runs through one of the lots and both lots are low. The Committee discussed including a clause requiring a minimum depth for the basement slab. It was agreed that an additional site inspection would be carried out by staff.

RESOLUTION: C of A: 13:03:09

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-10-13-P and S-11-13-P by Andrea Soule and Suzanne Robertson, to create residential lots in concession 3, lot 1, Amey Road, District of Portland, pending confirmation of grade for basement floor by Roads and Building Departments.

Carried

Item #10: S-12-13-L, S-13-13-L, S-14-13-L (Ubdegrove Estate)

Speaking to the Application: Mark Dinelle (agent)

Discussion

The subject property consists of 38+/- acres of vacant land with frontage on North Shore Road.. The proposal is for the creation of 3 residential lots, each larger than 3 acres, to front on North Shore Road. The Roads Department has indicated that there are specific locations that would be appropriate for entrances. Therefore, a condition has been included which requires that the applicant arrange to have these locations identified and marked by the Roads Department prior to the stamping of the deeds. A neighbouring property owner expressed concerns about development in rural areas, adjacent to cattle pasture. It was noted that MDS calculations apply with regard to barns and manure storage, but that we are not able to apply MDS based solely on potential existence of farm animals. There were not other objections from neighbours or agencies.

RESOLUTION: C of A: 13:03:10

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-12-13-L by the Estate of Irene Ubdegrove (Glen Smith) to create a residential lot in concession 6, lot 22, North Shore Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-12-13-L
Owner:	Estate of Irene Ubdegrove (Glen Smith)
Location of Property:	Concession 6, Lot 22, North Shore Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 11, 2013
Date of Decision:	April 11, 2013

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-12-13-L shall be for a 4.5+/- acre lot, with 250+ ft. frontage on North Shore 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
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 land 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 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.
8. Locations for entrances shall be approved and marked by the Township Roads Department prior to the stamping of the deed.

RESOLUTION: C of A: 13:03:11

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-13-13-L by the Estate of Irene Ubdegrove (Glen Smith) to create a residential lot in concession 6, lot 22, North Shore Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-13-13-L
Owner:	Estate of Irene Ubdegrove (Glen Smith)
Location of Property:	Concession 6, Lot 22, North Shore Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 11, 2013
Date of Decision:	April 11, 2013

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-13-13-L be for a 4.0+/- acre lot, with 250+ ft. frontage on North Shore 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
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 land 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 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.
8. Locations for entrances shall be approved and marked by the Township Roads Department prior to the stamping of the deed.

RESOLUTION: C of A: 13:03:12

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-14-13-L by the Estate of Irene Ubdegrove (Glen Smith) to create a residential lot in concession 6, lot 22, North Shore Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-14-13-L
Owner:	Estate of Irene Ubdegrove (Glen Smith)
Location of Property:	Concession 6, Lot 22, North Shore Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 11, 2013
Date of Decision:	April 11, 2013

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-14-13-L shall be for a 3.5+/- acre lot, with 250+ ft. frontage on North Shore 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
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 land 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 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.
 8. Locations for entrances shall be approved and marked by the Township Roads Department prior to the stamping of the deed.

Item #11: MV-06-13-B (Stewart)

Speaking to the application: Sylvia Coburn (agent)

Discussion

This application is for a variance to permit the addition of a screened porch to an existing dwelling, within 30m of the high water mark. The property is over 5 acres in size and is developed with a seasonal dwelling, a bunkie, a privy, an ice house, and a boathouse. The applicant is proposing to construct a 23.25 sq. m (250.26 sq. ft.) screened porch to be located 16m (52.5 ft.) from the high water mark of Devil Lake, and to reconstruct a 23.8 sq. m (256.18 sq. ft.) accessory building which is located 9.3m (30.5 ft.) from the high water mark. The CRCA supports the screened porch but not the accessory building. This building could easily be constructed beyond the setback given the size of the lot. The applicant's agent indicated that the applicant would ask only for the screened porch and not the reconstruction of the ice house.

RESOLUTION: C of A: 13:03:13

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-06-13-B as amended by Mark Stewart, concession 12, lot 9, Devil Lake, to permit addition to existing dwelling within 30m of high water mark, subject to conditions.

Carried

Application No:	MV-06-13-B
Owner:	Mark Stewart
Location of Property:	Pt. Lot 9 Concession 12, Devil Lake, 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 30m of the high water mark
Date of Hearing:	April 11, 2013
Date of Decision:	April 11, 2013

DECISION: VARIANCE APPROVED, as amended, subject to conditions

CONDITIONS:

1. The variance is limited to the construction of a 23.25 sq. m screened porch, a minimum of 16m from the high water mark of Devil Lake.
2. No other structures shall be permitted within the 30m setback from the high water mark.
3. Minor variance MV-06-13-B 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.
5. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's limited service and environmental policies, which specifies that a permit will be required from the Cataraqui Region Conservation Authority for the proposed development, and for construction of docks, and shoreline or in-water works, and which requires that a barrier is erected to prevent driving, parking and storing building material over the septic system area.

REASON FOR DECISION: The variance has been approved by staff, there have been no objections from the public, and the proposal for the screened porch is considered minor and in keeping with the intent of the official plan and zoning by-law.

Item #12: MV-07-13-B (Sunderland)**Discussion**

The application is to permit a second floor on an existing garage to provide space for a workshop. The height of the structure would be 26.5 ft. as opposed to the permitted 19.7 ft. There is no water setback issue.

RESOLUTION: 13:03:14

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-07-13-B by Adrian Sunderland, concession 3, lot 20, Bob's Lake, to permit construction of accessory building with increased height, subject to conditions.

Carried

Application No:	MV-07-13-B
Owner:	Adrian Sunderland
Location of Property:	Pt. Lot 20, Concession 3, Northwood Lane, Bob's Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 10.3.2 of the Comprehensive Zoning By-law to permit height of 7.47m. vs 6 m for an accessory building
Date of Hearing:	April 11, 2013
Date of Decision:	April 11, 2013
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. **The variance is limited to the construction of a 26 ft. 6 inch accessory building with a footprint of 1024 sq. ft.**
2. **No other structures shall be permitted within the 30m setback from the high water mark.**
3. **Minor variance MV-07-13-B 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.**
5. **The building will be constructed such that it can be accessed without encroachment on any other property.**

REASON FOR DECISION: The variance has been approved by staff, there have been no objections from the public, and the proposal is considered to be in keeping with the intent of the official plan zoning by-law.

Item #13: MV-08-13-B (Archer)

Speaking to the Application: Alicia Archer

Discussion

This application is for approval to construct a dwelling with a footprint of 608 sq. ft., a second storey of 560 sq. ft., and a 170 sq. ft. covered porch, a minimum of 70 ft. from the high water mark. This is a small lot (just over 1/3 acre) and is quite narrow at the rear. The proposed footprint falls within the permitted 5% lot coverage. L. Mills noted that this was the best the applicant could do while dealing with the challenges of this small lot. A report has not yet been received from Public Health or from Quinte Conservation, and the Committee therefore agreed to defer the application.

RESOLUTION: C of A: 13:03:16

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-08-13-B by Alicia Archer, concession 3, lot 7, Thirty Island Lake, District of Bedford, to permit construction of dwelling within 30m of high water mark, pending receipt of all agency reports.

Carried

Item #14: Other Business – Wells

Committee members discussed the pros and cons of requiring wells to be drilled on severed parcels, regardless of size. The following points were raised –

1. The Township's Official Plan states in section 7.1 - "Where applicable, the applicant will provide sufficient information to substantiate that all lots created have a source of potable water and appropriate sanitary sewage disposal facilities in accordance with current regulations to the satisfaction of the township and the appropriate approval authority."
2. The Township's Comprehensive Zoning By-law states - in section 5.40) – "Prior to the stamping of the deed for any non-waterfront lot created by consent after April 30, 2002, the applicant shall submit a well drillers report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6 hour pump test."
3. There is no specified size in the reference to "any non-waterfront lot"

4. Several applications for consent involve parcels of land in excess of 10 acres, and some are as large as 100 acres. In this latter case, they severance is sometimes for the purpose of dividing properties that have melded through common ownership.
5. The well requirement is attached to “a lot created by consent”. What about retained parcels which may be the same size as, or even smaller than, the severed parcel?
6. The zoning by-law does not differentiate between residential, commercial, or industrial lots. Thoughts about this?
7. Should there be an upper limit to the size of a severed lot which requires a well, and if so, should an agreement be registered on title requiring proof of 3.5 gallons per minute sustained over a 6-hour pump test prior to the issuance of a building permit?
8. Should ‘well’ clause require a well for lots “resulting from a consent” – i.e. both severed and retained?

After some discussion, it was agreed that staff would check with some other municipalities to determine their process in these situations, and bring a report back to the Committee for their consideration before potentially taking a recommendation to Council.

Item #15: Adjournment

RESOLUTION: C of A: 13:03:17

Moved by: L. McCullough

Seconded by: L. York

THAT the April 11, 2013 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8.17 p.m. to reconvene at 7:00 p.m. on Thursday, May 9, 2013, or at the call of the Chair.

Carried

Ron Vandewal
Chair

Lindsay Mills
Secretary-Treasurer