

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 12:01
FEBRUARY 9, 2012**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
Ken Gee (Storrington District)
Mark Tinlin (Bedford District)
David Hahn (Bedford District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)

STAFF & CONSULTANTS: Lindsay Mills – Secretary-Treasurer/Planning Coordinator
Anne Levac – Assistant Secretary-Treasurer

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 12:01:01

Moved by: L. McCullough

Seconded by: K. Gee

THAT the February 9, 2012 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Secretary-Treasurer Lindsay Mills in the Chair.

Carried

Item #2: Election of Chair and Vice-Chair

RESOLUTION: C of A: 12:01:02

Moved by: L. York

Seconded by: K. Gee

THAT Ron Vandewal is hereby nominated for the position of Chair of the South Frontenac Township Committee of Adjustment for the years 2012.

Mr. Mills called for further nominations

RESOLUTION: C of A: 12:01:2A

Moved by: L. Redden

Seconded by: W. Robinson

THAT nominations for the position of Chair close.

Ron Vandewal was declared Chair.

RESOLUTION: C of A: 12:01:03

Moved by: L. Redden

Seconded by: M. Tinlin

THAT David Hahn is hereby nominated for the position of Vice-Chair of the South Frontenac Township Committee of Adjustment for the years 2012.

Mr. Hahn indicated that he did not wish to stand for the position.

RESOLUTION: C of A: 12:01:03A

Moved by: R. Vandewal

Seconded by: L. McCullough

THAT Mark Tinlin is hereby nominated for the position of Vice-Chair of the South Frontenac Township Committee of Adjustment for the year 2012.

Mr. Mills called for further nominations.

RESOLUTION: C of A: 12:01:03B

Moved by: L. Redden

Seconded by: D. Hahn

THAT nominations for the position of Vice-Chair close.

Carried

Mr. Tinlin was declared Vice-Chair.

R. Vandewal assumed the Chair.

Item #3: Adoption of Agenda

Adopted as circulated

Item #4: Declaration of Pecuniary Interest

None

Item #5: Approval of Minutes

RESOLUTION: C of A: 12:01:04

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the December 8, 2011 meeting of the Committee, as circulated.

Carried

Item #6: S-61-11-P, S-62-11-P (Silver)

Discussion

The subject lands consist of 20+ acres with frontage on Miller Road and Road 38, District of Portland. The applicants are seeking approval for the creation of two residential lots, both fronting on Miller Road. The Millers' original application indicated a wrap-around shape for the westerly lot, and staff have suggested alternatives, but have received no response to date. Because the applications will need to be deferred (no signs posted and no Health report), confirmation will be obtained from the applicants regarding the shape of this second lot. The application will be re-advertised and another public hearing scheduled after additional details have been provided to the Planning Department.

RESOLUTION: C of A: 12:01:05

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-61-11-P and S-62-11-P by Walter & Cheryl Silver, to create residential lots in concession 13, lot 9, District of Portland, pending receipt of a report from Public

Health, confirmation from the applicants as to the shape of the westerly lot and proper advertising of the applications.

Carried

Item #7: S-01-12-B (Trickey)

Discussion

The subject lands consist of 162+ acres on Devil Lake, District of Bedford. The applicant is seeking approval for the creation of a waterfront lots, 2.56 acres in size, with 500+/- ft. frontage on Devil Lake. The new lot is developed with a seasonal dwelling. A lot addition was approved in 2010 to add to what was believed to be an existing waterfront lot. However, upon further research by the applicant's solicitor, it was determined that the original waterfront lot had merged with the large retained lands, and therefore what was needed was approval for a new lot, not a lot addition. The proposed new lot meets the minimum requirements for waterfront lots, and, as indicated above, is already developed. A rezoning was done at the time of the original application, and therefore the entire parcel to be severed is already zoned RLSW. The application will need to be deferred because Public Health was not able to inspect the property in winter conditions.

RESOLUTION: C of A: 12:01:06

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-01-12-B by the Estate of Arthur Trickey to create a waterfront lot in concession 13, lot 10, Devil Lake, District of Bedford, pending receipt of a report from Public Health.

Carried

Item #8: S-03-12-L (Swain, Lillis)

Speaking to the Application: Ron Kimberley, agent

Discussion

The subject lands consist of 65+/- acres on Desert Lake Road, District of Loughborough. The applicants are seeking approval to sever 6+/- acres from the southern end of their property, to be added to the property of Ronald Kimberley to the south. This application has been brought forward to resolve a property line issue. The somewhat irregular shape of the proposed addition results from the location of an old fence line which is purported to be the historically agreed-upon lot line.

RESOLUTION: C of A: 12:01:07

Moved by: M. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-03-12-L by Joel Swain and Lisa Lillis, to create a lot addition in concession 13, lot 3, District of Loughborough, subject to conditions.

Carried

Application No:	S-03-12-L
Owner:	Joel Swain, Lisa Lillis
Location of Property:	Concession XIII, Lot 3, Desert Lake Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Create lot addition
Date of Hearing:	February 9, 2012
Date of Decision:	February 9, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

- The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 3 or 4, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of**

Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.

2. **An acceptable reference plan (survey) of the severed lands in duplicate, shall be submitted to the Township.**
3. **The land to be severed by Consent Application S- 03-12-L shall be for a 6+/- acre lot addition only to the property to the south (Roll #102904005002900).**
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, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #9: S-04-12-S, S-05-12-S (Doak)

Speaking to the Application: D, Munday, agent

Discussion

The applicants own three waterfront parcels on Loughborough Lake. Two of the parcels are developed with single family dwellings. One of the developed parcels, and a vacant parcel between them, do not have on-title access at the rear of the parcels, but rather there is a right-of-way that runs across all three properties near the water. The proposal is to extinguish the right-of-way near the water, and to grant a right-of-way at the south (rear) end of the parcels, off of Mowoods Lane. This would create a much shorter, "cleaner" access.

RESOLUTION: C of A: 12:01:08

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent applications S-04-12-S and S-05-12-S by Larry Doak & Kathryn Doak, to grant a right-of-way in concession 2, lot 12, District of Storrington, subject to conditions.

Carried

Application No:	S-04-12-S
Owner:	Larry Doak, Kathryn Doak
Location of Property:	Concession II, Lot 12, Mowoods Lane, District of Storrington, Township of South Frontenac
Purpose of Application:	Create right-of-way
Date of Hearing:	February 9, 2012
Date of Decision:	February 9, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 3 or 4, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.**
2. **An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.**

3. The right-of-way created by Consent Application S- 04-12-S shall provide access over part 3 on Plan 13R-16311, in favour of the property described as 13R-14062, pts. 2,5,8,9,13 and 13R-16311 pt. 4.
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, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Application No:	S-05-12-S
Owner:	Larry Doak, Kathryn Doak
Location of Property:	Concession II, Lot 12, Mowoods Lane, District of Storrington, Township of South Frontenac
Purpose of Application:	Create right-of-way
Date of Hearing:	February 9, 2012
Date of Decision:	February 9, 2012
DECISION:	PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 3 or 4, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.
2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.
3. The right-of-way created by Consent Application S-05-12-S shall provide access over parts 3 & 4 on Plan 13R-16311 in favour of the property described as 13R-14062, pts. 1,6,7 & 14 and 13R-16311 pt. 5.
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, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item #10: S-06-12-B (Hamilton Harding)

Discussion

The applicant's property fronts on Lee Road, Zimmerman Lane and Wolfe Lake. A number of waterfront parcels are currently accessed across the Hamilton Harding lands. Ellis and Trenholm each own cottage properties in Rideau Lakes Township, as well as a lot in South Frontenac. Access is through South Frontenac. They have been accessing their properties partly over a hydro easement, which then connects with a right-of-way (Zimmerman Lane) over which they already have access. This application is to grant a right-of-way over that portion of

the Hamilton Harding property which would connect the northern part of their right-of-way to Lee Road, without need for the use of the hydro easement.

RESOLUTION: C of A: 12:01:09

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-06-12-B by Robin Hamilton Harding, to grant a right-of-way in concession 11, lot 24, District of Bedford, subject to conditions.

Carried

Application No:	S-06-12-B
Owner:	Robin Hamilton Harding
Location of Property:	Concession XI, Lot 24, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of right-of-way
Date of Decision:	February 9, 2012

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

CONDITIONS:

1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 3 or 4, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.
2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.
3. The land to be severed by Consent Application S- 06-12-B shall be for a right-of-way only to access Ellis/Trenholm property in South Frontenac Township, as well as two waterfront lots (one owned by Ellis and one owned by Trenholm) in Rideau Lakes Township.
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, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item #11: S-07-12-S (Mahon/Barr)

Speaking to the Application: Derrek Barr (agent)

Discussion

The applicant's property fronts on Perth Road and Davidson Road. It is zoned Special Urban Commercial (UR-5) which permits a combination of commercial uses and apartment dwellings. The potential purchaser of the severed parcel wishes to establish storage units, as well as a garage with two 2-bedroom apartments above. Storage units are not a permitted use in the Urban Commercial Zone, and therefore the severed parcel will need to be rezoned to permit that use on the property.

RESOLUTION: C of A: 12:01:10

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-07-12-S by Ron Mahon Equipment & Jack Barr, to create a commercial lot in concession 2, lot 19, District of Storrington, subject to conditions.

Carried

Application No:	S-07-12-S
Owner:	Ron Mahon Equipment/Jack Barr
Location of Property:	Concession II, Lot 19, Davidson Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Create commercial lot
Date of Hearing:	February 9, 2012
Date of Decision:	February 9, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.**
2. **An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.**
3. **The land to be severed by Consent Application S- 07-12-S shall be for a 2+ acre commercial lot, with a minimum of 250 ft. frontage on Davidson 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 2% 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 (Davidson) 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 retained lands 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 obtain an amendment to the Township's Comprehensive Zoning By-law to rezone the severed lot from Urban Commercial – 5 to a Special Urban Commercial to permit storage units, a garage and two 2-bedroom apartments.
 9. 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.
 10. The applicant shall enter into a site plan agreement under section 41 of the Planning Act, which will set out location of parking, access, structures, well, sewage disposal system, and buffering.
 11. The entrance to the severed parcel shall be installed according to the Township's requirements, including pavement from the lot line to the travelled road, prior to the stamping of the deeds.

Item #12: MV-26-11-B (Pichora)

Speaking to the Application: M. Gervan, agent

Discussion

The applicant's property consists of approximately 1.62 acres, located on a peninsula on Devil Lake. It is developed with a seasonal dwelling, located less than 30 ft. from the high water mark. The total footprint, including decks is approximately 1330 sq. ft. The applicant is proposing to remove approximately 150 sq. ft. of an existing 294 sq. ft. deck, and add a 326 sq. ft. screened porch, an 82 sq. ft. deck, a 153 sq. ft. covered porch and a 588 sq. ft. two-storey addition, thus bringing the total footprint to approximately 2330 sq. ft.

Devil Lake is a moderately sensitive lake trout lake. A report has not been received from Public Health or Cataraqui Region Conservation Authority.

There was some preliminary concern expressed about the size of the footprint so close to the water. Committee members had not been able to access the site because of icy conditions. Mr. Gervan offered to assist anyone who wished to visit the site.

RESOLUTION: C of A: 12:01:11

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-26-11-B by David & Deborah Pichora, concession 12, lot 9, Devil Lake, District of Bedford, to permit an addition to an existing seasonal dwelling within 30 m of the high water mark, pending receipt of a report from Public Health and the Cataraqui Region Conservation Authority, and to provide an opportunity for Committee members to visit the site.

Carried

Item #13: MV-27-11-L (Pasch)

Speaking to the application: S. Kot, agent

Discussion

The applicant's property consists of approximately 1.5 acres, located on a private lane on Knowlton Lake. It is developed with a seasonal dwelling. Although the lot is relatively large in area, it is quite narrow, and therefore there do not appear to be options which would not require a variance.

RESOLUTION: C of A: 12:01:12

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-27-11-L by Debra Pasch, concession 9, lot 3, Knowlton Lake, District of Loughborough, to permit construction of an accessory building within 15m of top of bank, and within 5m of right-of-way.

Carried

Application No:	MV-27-11-L
Owner:	Debra Pasch
Location of Property:	Pt. Lot 9, Concession 3, Knowlton Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	To vary sections 5.8.2 and 5.6.1 of the Comprehensive Zoning By-law to permit development within 15m of the top of bank, and within 5 m of a right-of-way
Date of Hearing:	February 9, 2012
Date of Decision:	February 9, 2012

DECISION: VARIANCE GRANTED, subject to conditions

CONDITIONS

1. **The variance is limited to construction of a 780 sq. ft. one storey garage, to be located 10 ft. from the right-of-way (Everett Lane).**
2. **Minor variance MV-27-11-L 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.**

REASON FOR DECISION: The variance has been approved by staff, there have been no objections from the public, and the proposal is considered to maintain the general intent of the Township's official plan and zoning by-law.

Item #14: Adjournment

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:34 p.m. to reconvene at 7:00 p.m. on Thursday, March 8th, 2012, or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer