

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 12:02
MARCH 8, 2012**

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: Mark Tinlin (Bedford District)
David Hahn (Bedford District)
Len McCullough (Loughborough 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: 12:02:01

Moved by: K. Gee

Seconded by: L. York

THAT the March 8, 2012 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:03 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: 12:02:02

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the February 9th, 2012 meeting of the Committee, as circulated.

Carried

Item #5: S-37-11-B (Snavely)

Speaking to the Application: David Munday, Cunningham, Swan (agent)

Discussion

The subject lands consist of 2.8+/- acres with frontage on Green Bay Road and Green Bay of Bob's Lake. The applicant is seeking approval for the creation of an easement to provide access to an island property. Rideau Valley Conservation appears to be generally supportive of the application provided that some specific conditions are included. The applicant will need to apply to the RVCA for a permit to install any dock, boat launch or to carry out associated shoreline alterations.

Mr. Munday requested that the application be set aside pending approval of a zoning amendment which will be required to provide site specific zoning for the parking easement. He wished to ensure that the time frame for the consent did not lapse before the rezoning was in place. Committee members did not have any objections to the proposal at this time.

RESOLUTION: C of A: 12:02:03

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers application S-37-11-B by Robert and Linda Snavely to create a parking and docking easement, in concession 4, lot 16, Bob's Lake, District of Bedford, at the applicants' request, pending a decision on the relevant rezoning.

Carried

Item #6: S-02-12-B (Prescott, Huisman)

Speaking to the Application: Mac Prescott, agent

Discussion

The subject lands consist of 13.7+/- acres with frontage on Bob's Lake Road and Bob's Lake. The applicant is seeking approval for the creation of a waterfront lot, with a minimum road frontage of 250 ft. and a minimum of 300 ft. water frontage. Public Health and Rideau Valley Conservation have indicated that a report will not be available in time for the meeting. No objections were received from the public at this time.

RESOLUTION: C of A: 12:02:04

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-02-12-B by James Prescott and Michelle Huisman to create a waterfront residential lot on Bob's Lake, concession 2, lot 23, District of Bedford, pending receipt of reports from Public Health and Rideau Valley Conservation.

Carried

Item #7: S-08-12-P, S-09-12-P, S-10-12-P (Murphy)

Speaking to the Application: Evan Murphy

Discussion

The subject lands consist of 47+/- acres with frontage on Colebrooke Road and on Bradford Road. The property is developed with a single family dwelling and a detached garage. The applicant is seeking approval for the creation of three residential lots, with a minimum road frontage of 250 ft. Two of the lots would front on Bradford Road and one would front on Colebrooke Road. There is a provincially significant wetland covering the middle portion of the property. The applicant's original proposal was that the lots fronting on Bradford Road would be two acres in size. Staff initially thought it would not be a good idea to leave a small area between the lots and the wetland, and so a suggestion was made regarding enlarging those lots. However, now that we have had an opportunity to examine the situation in more detail, we are faced with the official plan prohibition against any development (which includes lot creation) within 120m of a PSW. In addition, it may be that the eastern lot on Bradford Road does not actually have a satisfactory building envelope. Staff's opinion now is that a report would be required from the Conservation Authority regarding the northerly lots. In addition, the westerly lot on Bradford Road may need to be slightly larger than 2 acres because of the minimum distance separation requirement from a barn across the road. The lot on Colebrooke Road appears to be too close to a barn to the east of this property. The applicant indicated that the barn is actually a machine shed. Decisions were not possible on these applications at this meeting and approval will depend on MDS requirements, and a report from the Conservation

Authority. Staff have suggested to Public Health that they hold off on visiting the site until the above-noted issues have been resolved.

RESOLUTION: C of A: 12:02:05

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-08-12-P, S-09-12-P and S-10-12-P by Evan Murphy to create residential lots in concession 5, lot 11, District of Portland, pending clarification of MDS and environmental issues related to the proposed lots.

Carried

Item #8: S-11-12-B (Young)

Speaking to the Application: Lyle Young

Discussion

The subject lands front on South Fork and McNichols Lanes, and on Thirty Island Lake, and are vacant. The proposal is to sever off 7+/- acres as a lot addition to 296 McNichols Lane, leaving a 10 acre retained parcel. This lot addition will enlarge a small waterfront parcel (.43 of an acre in size), and will provide the owner of that property with options for an accessory building. The right-of-way which runs through the lot addition parcel will be surveyed as a separate parcel, and will become part of the enlarged parcel. Anyone who currently has a right-of-way over this parcel will continue to do so. The lot addition parcel will need to be rezoned to RLSW to correspond to the zoning of the lot being enlarged.

RESOLUTION: C of A: 12:02:06

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-11-12-B by Lyle Young to create a lot addition in concession 3, lot 6, Thirty Island Lake, District of Bedford, subject to conditions.

Carried

Application No:	S-11-12-B
Owner:	Lyle Young
Location of Property:	Concession III, Lot 6, McNichols Lane, Thirty Island Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	March 8, 2012
Date of Decision:	March 8, 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- 11-12-B shall be for a 7+/- acre lot addition only to property at 296 McNichols Lane.
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 for each lot addition, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
7. **The right-of-way which crosses the severed parcel shall continue to be granted to those to whom it currently gives access.**
8. **The applicant shall obtain an amendment to the South Frontenac Township Zoning By-law to rezone the lot addition parcel from Rural (RU) to Limited Service Residential – Waterfront (RLSW).**

Item #9: S-12-12-B (Sands)

Speaking to the Application: Corey Sands

Discussion

The applicant's property fronts on Milburn Road and is developed with a single family dwelling and an accessory building. It is zoned Rural. The severed parcel will be approximately 10 acres in size and the retained parcel will be 15 acres. A report has not been received from Public Health and this application was therefore deferred.

RESOLUTION: C of A: 12:02:07

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-12-12-S by Corey Sands and Jenna Flood to create a lot in concession 8, lot 7, Milburn Road, District of Storrington, subject to conditions.

Carried

Item #10: S-13-12-S, S-14-11-S, S-15-12-S (Steenart)

Speaking to the Application: Claire Steenaart-Morris

Discussion

The subject lands consist of 27.6+/- acres with frontage on Holmes Road. The applicant is seeking approval for the creation of three residential lots, with a minimum road frontage of 250 ft. Public Health was uncertain as to whether or not reports could be prepared for this meeting; that would depend on weather conditions. Health reports were not available, and the applications were therefore deferred. It was pointed out to the Committee that the unopened road allowance running along the western boundary of the property might need to be widened, to provide for potential use of the road allowance for Township purposes in the future.

RESOLUTION: C of A: 12:02:08

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-13-12-S, S-14-12-S and S-15-12-S by the Estate of Ellen Steenaart to create residential lots in concession 7, lot 18/19, District of Storrington, pending receipt of reports from KFL&A Public Health.

Carried

Item #11: S-16-12-L (Martin)

Speaking to the Application: Ian Martin

Discussion

The applicant's property fronts on Bedford Road, and is developed with a single family dwelling and accessory buildings. The purpose of the application is to create a 2 acre residential building lot on the southwest corner of the property. Both the Chief Building Official and the Roads Area Supervisor have expressed concern about the proposed lot. The property is quite low and wet in this area, and sight lines from the west are poor. The CBO has indicated that, if the application is approved, there should be a condition that the lowest building floor slab be at

or above the elevation of the road to the south. However, even with this condition, there may still be water issues, and there does not appear to be a suitable location for an entrance. The Committee agreed to defer the application to provide an additional opportunity for discussions with the Roads Department regarding the entrance.

RESOLUTION: C of A: 12:02:09

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-16-12-L by Ian & Heather Martin to create a residential lot in concession 6, lot 6, Bedford Road, District of Loughborough, to provide an opportunity for further review of entrance possibilities and water issues.

Carried

Item #12: S-17-12-P (Ondaatje)

Speaking to the application: Mary Alice Snetsinger, agent

Discussion

The applicant's property fronts on First Lake Road, and is zoned Rural and Environmental Protection. The application would leave 6+/- acres of land with the existing dwelling and accessory buildings, and would create a vacant 72 acre parcel to be transferred to the Land Conservancy for KFL&A. The Roads Department has indicated that any entrance onto the severed parcel should be located at the east side of the property.

The Committee was also asked to make a decision regarding any park fee to be charged. The rationale provided by the applicant's agent made an argument for foregoing the park fee in this case. It was agreed that the standard park fee condition would be included but that the Committee would discuss the issue at the end of the meeting, and forward any recommendation to Council.

RESOLUTION: C of A: 12:02:10

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-17-12-P by Kim Ondaatje, to create a lot for land conservation in concession 12, lot 18, First Lake Road, District of Portland, subject to conditions.

Carried

Application No:	S-17-12-P
Owner:	Betty Jane (Kim) Ondaatje
Location of Property:	Concession XII, Lot 18, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of 72 +/- acre lot for nature reserve
Date of Hearing:	March 8, 2012
Date of Decision:	March 8, 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- 17-12-P shall be for a 72+/- acre lot, with a minimum of 250 ft. frontage on First Lake Road.

4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the land 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 (First Lake) 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.

Item #13: MV-01-12-L (Crouse)

Discussion

The applicant's property consists of approximately 100 acres, located on a private lane. It is developed with a seasonal dwelling. The applicant is seeking permission to construct a two-storey accessory building 26 ft. in height. The requirement in the zoning by-law is 19.7 ft.

Although the Chair asked for public comments because this had been advertised as the public hearing, there was no discussion of the application since Committee members had been unable to reach the site because of lane conditions.

RESOLUTION: C of A: 12:02:11

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-01-12-L by Ralph Crouse to permit an increase in the height of an accessory structure, concession 10, lot 3, District of Loughborough, pending a site visit by Loughborough Committee members.

Carried

Item #14: Other Business**Park Fee Reduction – Ondaatje**

There was a brief discussion among Committee members as to whether or not the parkland fee for the property being purchased by the Land Conservancy should be reduced based on the proposed uses. The following resolution was put forward as a recommendation to Council:

RESOLUTION: C of A:12:02:11A

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby recommends to Township Council that the park fee payable for consent application S-17-12-P by Kim Ondaatje be reduced to \$100.

Carried

Item #15: Adjournment

Moved by: L. York

Seconded by: K. Gee

THAT the March 8, 2012 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:50 p.m. to reconvene at 7:00 p.m. on Thursday, April 12th, 2012, or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer