

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 10:07
AUGUST 12, 2010**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: David Hahn (Bedford District)
Richard Phillips (Bedford District)
Len McCullough (Loughborough District)
Ron Vandewal (Loughborough)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Larry York (Storrington District)

ABSENT WITH REGRETS: Jack Moreland (Storrington District)

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

RESOLUTIONS & BUSINESS:

| <u>Item #</u> | <u>Subject</u> | <u>Page</u> |
|---------------|------------------------------------|-------------|
| 1. | Call to order | 1 |
| 2. | Adoption of Agenda | 1 |
| 3. | Declaration of Pecuniary Interest | 1 |
| 4. | Approval of Minutes – July 8, 2010 | 1 |
| 5. | S-88-08-P (Sabourin) | 2 |
| 6. | S-47-10-L, S-48-10-L (Thomas) | 2 |
| 7. | S-50-10-P (Botting) | 4 |
| 8. | MV-09-B (Webb) | 5 |
| 9. | MV-10-10-S (Edwards) | 6 |
| 10. | MV-11-10-B (Smith) | 7 |
| 11. | S-51-10-L (Gossage) | 8 |
| 12. | S-52-10-P (Mackenzie) | 9 |
| 13. | S-53-10-P (Selle) | 10 |
| 14. | S-54-10-P, S-55-10-P (Selle) | 12 |
| 15. | S-56-10-P (Selle) | 14 |
| 16. | S-57-10-P (Selle) | 16 |
| 17. | S-58-10-B (Trickey) | 17 |
| 18. | S-59-10-L (Brittara Developments) | 18 |
| 19. | S-60-10-P (Embury) | 18 |
| 20. | S-61-10-S (Sellers) | 19 |
| 21. | MV-12-10-B (Hopkins) | 20 |
| 22. | MV-13-10-B (Weider) | 20 |
| 23. | MV-14-10-S (McKercher) | 20 |
| 24.. | Adjournment | 21 |

Item #1: Call to Order

RESOLUTION: C of A: 10:07:01

Moved by: L. McCullough

Seconded by: L. York

THAT the August 12th, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:02 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: Minutes of July 8th, 2010 meeting

RESOLUTION: C of A: 10:07:02

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the July 8th, 2010 meeting of the Committee, as circulated.

Carried

Item #5: S-88-10-P (Sabourin)

Discussion

The subject lands consist of 10+/- acres developed with a residence. The applicant is proposing to create a 6+/- acre residential lot. Both the severed and retained parcels would have the necessary frontage on a public road. This application was originally submitted in 2008, but was temporarily set aside because of concerns expressed by Quinte Conservation, and also by the CBO, about the extent of wetland./swamp on the proposed new lot. The applicant has now decided to widen the lot to the north and to build close to the road rather than further back on the property. Neither the CBO nor the Roads Department has any objection – however, the Roads report indicates the possible need for additional ditching along the front of the proposed lot.

Quinte Conservation does not have the same concerns as originally set out; however, they are asking to review a detailed site plan before providing final comments. In aid of such a site plan, the Quinte planner has marked the boundaries of the wetland. Once this site plan has been provided and is reviewed by staff and agencies, the application can come back to the Committee for a final decision.

RESOLUTION: C of A: 10:07:03

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-88-08-P by Corwin Sabourin to create a residential lot in concession 9, lot 6, Hinchinbrooke Road, District of Portland, pending receipt of a surveyed building envelope which shows a building site and sewage disposal system location which meet the required setbacks from the wetlands on the property.

Carried

Item #6: S-47-10-L, S-48-10-L (Thomas)

In Attendance: Joe Bowes, agent

Discussion

The subject lands consist of 67+/- acres with frontage on Gould Lake Road, District of Loughborough, and are vacant. The applicant originally proposed to sever two residential lots on the east side of the road. However, the CBO determined that a large barn across the road is too close to the proposed lots to meet the MDS (680 ft.). Therefore, the applicant requested that the applications be deferred until further measurements could be taken and other options considered.

A new proposal was brought to the Committee for approval of a lot addition to a neighbouring property owner, and the creation of just one new lot. That new lot is sufficiently large to ensure 2 acres outside the MDS arc.

RESOLUTION: C of A: 10:07:04

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-47-10-L by Larry Thomas and Dorothy Thomas, to create a lot addition in concession 7, lot 3, Gould Lake Road, District of Loughborough, subject to conditions.

Carried

Application No: S-47-10-L
Owner: Larry Thomas, Dorothy Thomas
Location of Property: Concession 7, lot 3, District of Loughborough, Township of South Frontenac
Purpose of Application: To create lot addition
Date of Hearing: July 8, 2010
Date of Decision: August 12, 2010

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 (in triplicate) 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-47-10-1 shall be for a 3.4+/- acre lot addition to part 1 on plan 13R-14540 and part 2 on plan 13R-1957. In accordance with section 50(12) of the Planning Act, the deed to be stamped shall state that subsection 50(3) or subsection 50(5) of the *Planning Act*, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive \$100 in lieu of parkland addition pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

RESOLUTION: C of A: 10:07:05

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-48-10-L by Larry Thomas and Dorothy Thomas, to create a residential lot in concession 7, lot 3, Gould Lake Road, District of Loughborough, subject to conditions.

Carried

Application No: S-48-10-L
Owner: Larry Thomas, Dorothy Thomas
Location of Property: Concession 7, lot 3, District of Loughborough, Township of South Frontenac
Purpose of Application: To create residential lot
Date of Hearing: July 8, 2010
Date of Decision: August 12, 2010

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 (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given**

under Section 53 (17) or (24) of the Planning Act.

2. The land to be severed by Consent Application S-48-10-L shall be for a 4.3+/- acre residential lot, with a minimum of 250 ft. frontage on Gould Lake Road and a minimum of 2 acres outside the Minimum Distance Separation from the barn on the west side of Gould Lake 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 for the new lot, 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 for the new lot demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item #7: S-50-10-P (Botting)

In Attendance: Alan Thomson, agent

Discussion

The subject lands are 13.15+/- acres in size and front on both Craig and Mallen Roads in Portland District. The proposal is to add a .15 acre parcel to property on Mallen Road. The dwelling on the property to be enlarged encroaches onto the Botting property and this lot addition will clear up this situation. At the July meeting, the Committee requested that the proposed new lot line be established so as to create a more regular shaped lot. Since that meeting, the agent for the applicant has indicated that there is no agreement between the two parties to significantly change the original proposal. Although the Committee was not generally supportive of the proposed lot lines, it was felt that the elimination of the current encroachment outweighed that concern.

RESOLUTION: C of A: 10:07:06

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-50-10-P by Adam Botting to create a lot addition in concession 8, lot 13, District of Portland, subject to conditions.

Carried

| | |
|--------------------------------|---|
| Application No: | S-50-10-P |
| Owner: | Adam Botting |
| Location of Property: | Concession VIII, Lot 13, Mallen Road, District of Portland, Township of South Frontenac |
| Purpose of Application: | Creation of lot addition |
| Date of Hearing: | July 8, 2010 |
| Date of Decision: | August 12, 2010 |

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 (in triplicate) 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-50-10-P shall be for a .15+/- acre lot addition to 1013 Mallen Road (13R-1418, part 1). The deed shall recognize that this is for a lot addition only and that the parcels cannot be transferred separately.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland for the lot addition, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #8: MV-09-10-B (Webb)

In Attendance: James Webb, applicant

Discussion

The applicant's property consists of approximately 2.1 acres located on Butternut Lane, Crow Lake, District of Bedford. A portion of the cottage, which was more or less hanging over the water, was removed for safety reasons, and the owners are requesting approval to add a similar sized addition at the rear of the cottage. No report had been received from Rideau Valley Conservation prior to the July meeting and the application was therefore deferred. The RVCA report is now available and there are no objections because the applicant has submitted an engineer's report to address concerns with regards to cutting into the existing slope.

RESOLUTION: C of A: 10:07:07

Moved by: W. Robinson

Seconded by L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-09-10-B by James Webb and Roghieh Rousina-Webb to

permit addition to dwelling, within 30m of high water mark in concession 5, lot 34, Crow Lake, District of Bedford, subject to conditions, as amended.

Carried

| | |
|--------------------------------|---|
| Application No: | MV-09-10-B |
| Owner: | James Webb, Roghieh Rousina-Webb |
| Location of Property: | Pt. Lot 34, Concession 5, Crow Lake, District of Bedford, Township of South Frontenac |
| Purpose of Application: | To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark |
| Date of Hearing: | July 8, 2010 |
| Date of Decision: | August 12, 2010 |

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

CONDITIONS:

1. **The variance is limited to construction of a 300 sq. ft. single storey addition to an existing seasonal dwelling to be located a minimum of 35 ft. from the high water mark.**
2. **Except for a 4 ft. x 4 ft. step, there shall be no addition to the front(water side) of the dwelling, and no additional decks. A roof extension to cover 3 ft. of the on-ground patio is permitted.**
3. **Minor variance MV-09-10-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 includes the municipality's limited service and environmental policies, and which specifies that a permit will be required from Rideau Valley Conservation for any shoreline or in-water works.**

Item #9: MV-10-10-S (Edwards)

In Attendance: James Edwards, applicant

Discussion

The applicant's property consists of approximately 2.2 acres located on Hiawatha Lane, Dog Lake, District of Storrington. The proposal is for the construction of a deck, to be located 84 ft. from the HWM. It will be partially located further back than the existing dwelling, and partly closer to the water. The encroachment into the setback is minor, although the size of the proposed deck is quite significant. The deck has already been partially constructed. The Cataraqui Region Conservation Authority indicated that they cannot support the application because they are bound by the Regulation controlling Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, and the proposed addition would further encroach into the erosion hazard setback. It appears from the applicant's drawing that, if the deck did not go closer to the water than the existing dwelling, there would not be a need for a minor variance. In subsequent consideration of the application, it appears to staff that there are only two options – either the Committee approves the variance and leaves it to the CRCA to appeal or to refuse to issue a permit; or deny the application and require the applicant to construct the deck entirely outside the 30m setback. The applicant indicated that he had spoken to a representative of the CRCA who led him to believe that the deck could be supported. The Committee decided to approve the application on that basis, and the CRCA will need to decide if a permit is, in fact, possible.

RESOLUTION: C of A: 10:07:08

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-10-10-S by James and Debra Edwards to permit addition of deck to dwelling with 30 m of high water mark in concession 8, lot 15/16, Dog Lake, District of Storrington, subject to conditions.

Carried

| | |
|--------------------------------|---|
| Application No: | MV-10-10-S |
| Owner: | James & Debra Edwards |
| Location of Property: | Pt. Lot 15/16, Concession 8, Dog Lake, District of Storrington, Township of South Frontenac |
| Purpose of Application: | To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark |
| Date of Hearing: | July 8, 2010 |
| Date of Decision: | August 12, 2010 |

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a 600 sq. ft. deck to be located no closer than 84 ft. from the high water mark**
- 2. Minor variance MV-10-10-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
- 3. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
- 4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's limited service and environmental policies, and which specifies that a permit will be required from Parks Canada – Rideau Canal prior to any shoreline or in-water works.**

Item #10: MV-11-10-B (Smith)

In Attendance: Charlie Smith, agent

Discussion

The applicant's property consists of approximately .95 acres and is developed with a seasonal dwelling, deck, shed and trailer (the latter is being removed). The applicant wishes to construct a 720 sq. ft. two-storey addition, 53 ft. from the high water mark, and a 360 sq. ft. deck, 44 ft. from the high water mark. The application was deferred at the July meeting pending receipt of reports from Public Health and Rideau Valley Conservation. These reports have been received. Public Health has no objection but the RVCA does not approve the application, and points out that the property is located on Green Bay of Bob's Lake, which is identified as highly sensitive. However, the property is not actually Green Bay but rather on Buck Bay which is not identified as sensitive. In addition, the Committee members from Bedford District indicated that they were concerned about the size of the proposed addition, regardless of the sensitivity of the water body on which it is located.

RESOLUTION: C of A: 10:07:09

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-11-10-B by Melissa Smith to permit addition to dwelling within 30 m of high water mark in concession 3, lot 19/20, Bob's Lake, pending discussions with RVCA and possible consideration of alternative construction proposals.

Carried

Item #11: S-51-10-L (Gossage)

Discussion

The subject lands consist of 19.5+/- acres with frontage on Bedford Road, District of Loughborough, and are vacant. The applicant is proposing to sever a 2.3+/- acre parcel. All staff and agency comments were favourable.

RESOLUTION: C of A: 10:07:10

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-51-10-L by Michael & Kallista Gossage to create a residential lot in concession 12, lot 8, Bedford Road, District of Loughborough, subject to conditions.

Carried

| | |
|--------------------------------|---|
| Application No: | S-51-10-L |
| Owner: | Michael & Kallista Gossage |
| Location of Property: | Concession 12, lot 8, District of Loughborough, Township of South Frontenac |
| Purpose of Application: | To create residential lot |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |

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 (in triplicate) 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-51-10-L shall be for a 2+ acre residential lot.**
- 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. The sewage disposal system shall be constructed according to the sketch submitted by KFL&A Public Health, dated August 9, 2010.**
- 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 retained lands in the following manner:
- The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - 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;
 - 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.
 - The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The applicant shall submit a well driller's report on the severed lot verifying 3.5 gallons per minute sustained over a 6-hour pump test.

Item #12: S-52-10-P (Mackenzie)

Discussion

The subject lands consist of 5.9+/- acres with frontage on Moore Farm Lane and Hambly Lake, District of Portland, and are developed with a single family dwelling. The applicant is proposing to sever a .9+/- acre parcel, containing the dwelling, as an addition to the adjacent vacant property.

RESOLUTION: C of A: 10:07:11

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-52-10-P by the Estate of Joan Mackenzie to create a lot addition in concession 10, lot 7, Hambly Lake, District of Portland, subject to conditions.

Carried

| | |
|--------------------------------|--|
| Application No: | S-52-10-P |
| Owner: | Estate of Joan Helen Mackenzie |
| Location of Property: | Concession 10, lot 7, Hambly Lake, District of Portland, Township of South Frontenac |
| Purpose of Application: | To create lot addition |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |

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 (in triplicate) 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-52-10-P shall be for a .9+/- acre lot addition to parts 1 & 3, Plan 13R-19254, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive \$100 in lieu of parkland for the lot addition pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #13: S-53-10-P (Selle)

In Attendance: Wayne Selle

Discussion

The subject lands consist of 90+/- acres with frontage on Scanlan and Murvale Roads, District of Portland, and are developed with a single family dwelling, a sawmill, and accessory buildings. The applicant is proposing to sever a 30+/- acre parcel which includes the house and accessory building. The entire subject property is currently zoned for the operation of a sawmill, and this zoning will be removed from the retained parcel prior to the stamping of the deeds. There was considerable discussion among Committee members and the applicant regarding this application in conjunction with the proposal to sever two residential lots from the same original parcel, off of Murvale Road. The applications as submitted resulted in a 66 ft. wide access off of Murvale Road. The Committee members felt that this would result in irregular-shaped lots and deficient road frontage. The applicant agreed to remove any request for a right-of-way or 66 ft. wide frontage on Murvale Road. The deeds for the two lots on Murvale Road (S-54-10-P and S-55-10-P) will need to be registered prior to the stamping of the deed for S-53 in order that no new lot is created "by default".

RESOLUTION: C of A: 10:07:12

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-53-10-P by Wayne and Connie Selle to create a lot with existing dwelling and accessory buildings, in concession 3, lot 1, District of Portland, subject to conditions.

Carried

| | |
|--------------------------------|---|
| Application No: | S-53-10-P |
| Owner: | Wayne & Connie Selle |
| Location of Property: | Concession 3, lot 1, District of Portland, Township of South Frontenac |
| Purpose of Application: | To create residential lot, with existing dwelling and accessory buildings |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |

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 (in triplicate) 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-53-10-P shall be for a 35+/- acre lot with existing dwelling and accessory buildings.**
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 3% 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 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.**
7. **The applicant shall submit a report verifying potable water on the severed parcel.**
8. **The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to rezone the retained parcel from RU-28 to RU.**
9. **The deeds for consent applications S-54-10-P and S-55-10-P must be registered prior to the registration of the deeds for consent S-53-10-P.**

Item #14: S-54-10-P, S-55-10-P (Selle)

In Attendance: Wayne Selle, applicant

Discussion

The subject lands consist of 60+/- acres with frontage on Scanlan and Murvale Roads, District of Portland, and are developed with a single family dwelling and accessory buildings. The applicant is proposing to sever two 2-acre lots for residential purposes. The subject property is currently zoned for the operation of a sawmill, and the severed parcels will therefore need to be rezoned. Originally, the lots were proposed to have less than 250 ft. of road frontage, with 66 ft. left between the two lots for the future development potential on the remaining property, and also to provide access to the rear of the property for the owner of the retained parcel. The discussion under S-53-10-P above speaks to this issue.

RESOLUTION: C of A: 10:07:13

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-14-10-P by Wayne & Connie Selle to create a residential lot, in concession 3, lot 1, District of Portland, subject to conditions, as amended.

Carried

| | |
|--------------------------------|--|
| Application No: | S-54-10-P |
| Owner: | Wayne & Connie Selle |
| Location of Property: | Concession 3, lot 1, District of Portland, Township of South Frontenac |
| Purpose of Application: | To create residential lot |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |

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 (in triplicate) 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-54-10-P shall be for a 2 acre residential lot.**
- 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 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.
7. The applicant shall submit a well driller's report on the severed lot verifying 3.5 gallons per minute sustained over a 6-hour pump test.
8. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to rezone the severed parcel from RU-28 to RU. The retained parcel shall be rezoned from RU-28 to RU.

RESOLUTION: C of A: 10:07:14

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-55-10-P by Wayne & Connie Selle to create a residential lot in concession 3, lot 1, District of Portland, subject to conditions, as amended.

Carried

| | |
|--------------------------------|--|
| Application No: | S-55-10-P |
| Owner: | Wayne & Connie Selle |
| Location of Property: | Concession 3, lot 1, District of Portland, Township of South Frontenac |
| Purpose of Application: | To create residential lot |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |

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 (in triplicate) 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-54-10-P shall be for a 2 acre residential lot.
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 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.
7. The applicant shall submit a well driller's report on the severed lot verifying 3.5 gallons per minute sustained over a 6-hour pump test.
8. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to rezone the severed parcel from RU-28 to RU. The retained parcel shall be rezoned from RU-28 to RU.

Item #15: S-56-10-P (Selle)

In Attendance: Wayne Selle (applicant)

Discussion

The subject lands consist of 69+/- acres with frontage on Scanlan Road, District of Portland, and are vacant. The applicant is proposing to sever a 2 acre parcel. There were no objections to the application.

RESOLUTION: C of A: 10:07:15

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-56-10-P by Wayne & Connie Selle to create a residential lot, in concession 3, lot 2, District of Portland, subject to conditions.

Carried

| | |
|--------------------------------|--|
| Application No: | S-56-10-P |
| Owner: | Wayne & Connie Selle |
| Location of Property: | Concession 3, lot 2, District of Portland, Township of South Frontenac |
| Purpose of Application: | To create residential lot |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |
| 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 (in triplicate) 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-56-10-P shall be for a 2 acre residential lot.**
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 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.**

7. **The applicant shall submit a well driller's report on the severed lot verifying 3.5 gallons per minute sustained over a 6-hour pump test.**

Item #16: S-57-10-P (Selle)

In Attendance: Wayne Selle (applicant)

Discussion

The subject lands consist of 69+/- acres with frontage on Scanlan Road, District of Portland, and are developed with a residence and accessory building. The applicant is proposing to sever a 2 acre parcel which will include the existing buildings.

RESOLUTION: C of A: 10:07:16

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-57-10-P by Wayne & Connie Selle to create a residential lot, in concession 2, lot 3, District of Portland, subject to conditions.

Carried

| | |
|--------------------------------|--|
| Application No: | S-57-10-P |
| Owner: | Wayne & Connie Selle |
| Location of Property: | Concession 3, lot 2, District of Portland, Township of South Frontenac |
| Purpose of Application: | To create residential lot |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

- An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) 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.**
- The land to be severed by Consent Application S-57-10-P shall be for a 2 acre residential lot with existing dwelling.**
- 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.)**
- 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.**
- 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.**
- 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 retained lands in the following manner:**
 - The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - 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 report on the severed lot verifying potable water on the severed parcel.

Item #17: S-58-10-B (Trickey)

In Attendance: Evan Trickey, agent

Discussion

The subject lands consist of 163+/- acres with frontage on Devil Lake and Parker Point Lane, District of Bedford, and are vacant. The applicant is proposing to sever a 1.5+/- acre parcel as an addition to a developed lot at 162A Parker Point Lane. The lot addition parcel will need to be rezoned from Rural to Limited Service – Residential Waterfront.

RESOLUTION: C of A: 10:07:17

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-58-10-B by the Estate of Arthur Trickey to create a lot addition, in concession 13, lot 10, District of Bedford, subject to conditions.

Carried

| | |
|--------------------------------|--|
| Application No: | S-58-10-B |
| Owner: | Estate of Arthur Trickey |
| Location of Property: | Concession 13, lot 10, Devil Lake, District of Bedford, Township of South Frontenac |
| Purpose of Application: | To create lot addition |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |
| 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 (in triplicate) 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-58-10-B shall be for a 1.5+/- acre lot addition to Roll # 102901003038100, also in the name of Arthur Trickey Estate, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act.

3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive \$100 in lieu of parkland for the lot addition pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law, to amend the zoning on the lot addition parcel from Rural to RLSW.**
7. **The owner of the lot to be enlarged shall enter into a development agreement with the municipality to be registered on title which deals with the Township's private lane and environmental policies.**

Item #18: S-59-10-L (Brittara Developments)

Discussion

The subject lands consist of 15+/- acres with frontage on Brittara Lane and Loughborough Lake., District of Loughborough, and are vacant. The applicant is proposing to sever a 7 acre parcel which would also take its access over Brittara Lane and would have 300 ft.+ frontage on Loughborough Lake. The applicant has submitted an Environmental Site Evaluation prepared by Ecological Services. This report recommends a setback of 40 m from the high water mark of Loughborough Lake, and from the edge of the Loughborough Lake Wetland Complex. In addition, it is recommended in the site evaluation that vegetation not be removed within 30 m of the water or of the wetland complex, and that access to the water be "restricted to a modest route". The subject property is currently zoned RSLW-60 which specifies a minimum lot size of 15.3 acres (the current size of the property). This condition was placed on the property at the time that the subject lot was created. This is the main reason why the applicant was advised to obtain the opinion of an environmental professional. The applicant would need to rezone both the severed and retained lots. The CRCA has indicated that they are not satisfied with the determination of the wetland and PSW areas and they recommend that if any severance is to be approved, the applicant should first be required to identify building envelopes, including septic, outside of the 30m setback from the shoreline, and 40m from the PSW. This can only occur once the correct boundary of the PSW is identified by MNR. A permit cannot be issued by the CRCA for works within the PSW, which makes the delineation of the boundaries of the PSW critical.

RESOLUTION: C of A: 10:07:18

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-59-10-L by Brittara Developments to create a waterfront lot, in concession 6, lot 22, Loughborough Lake, District of Loughborough, pending confirmation that building sites are available on both the severed and retained parcels which meet all required setbacks from wetlands on the property, to the satisfaction of the Cataraqui Region Conservation Authority and the Township.

Carried

Item #19: S-60-10-P (Embury)

In Attendance: Syrene Embury

Discussion

The subject lands consist of 61+/- acres with frontage on Verona Sand, Bellrock and Cross Roads, District of Portland, and are developed with a single family dwelling and accessory buildings. The applicant is proposing to sever two parcels which total 11+/- acres parcel as additions to a developed lot at 4803 Verona Sand Road.

RESOLUTION: C of A: 10:07:19

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-60-10-P by Syrene & Lorraine Embury to create lot additions, in concession 10, lot 13, District of Portland, subject to conditions.

Carried

| | |
|--------------------------------|--|
| Application No: | S-60-10-P |
| Owner: | Syrene & Lorraine Embury |
| Location of Property: | Concession 10, lot 13, District of Portland, Township of South Frontenac |
| Purpose of Application: | To create lot additions |
| Date of Hearing: | August 12, 2010 |
| Date of Decision: | August 12, 2010 |

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 (in triplicate) 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-60-10-P shall be for an 11+/- acre lot addition to part 1, RP 13R-9345, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland for the lot addition pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #20: S-61-10-S (Sellers)

In Attendance: Sandy Sellers

Discussion

The subject lands consist of 77+/- acres with frontage on Duff Road, and Loughborough Lake, District of Storrington, and are developed with 3 single family dwellings and several accessory buildings. The applicant is proposing to sever a 2.6+/- acre parcel with 300 ft. frontage on Loughborough Lake, 300 ft. frontage on a private lane, and 140 ft. frontage on Duff Road. This new lot contains one of the dwellings and a garage. The application has the benefit of reducing the number of dwellings on one parcel of land. However, the westerly part of the laneway that accesses the retained parcel would now be a right-of-way over the severed lot, and our official plan states that all lots, except limited service residential lots, "shall front onto and gain direct access from an existing public road which reflects a reasonable standard of pavement or gravel construction and is maintained year round by the municipality". In addition, if a lot is created that has both public road frontage and water frontage, the public road frontage must be a minimum of 250 ft., while the proposed lot has only 140 ft. public road frontage. Therefore, there are two possible options: create the severed lot entirely on the north side of the laneway – i.e. it would be a waterfront lot only with frontage on a private lane; or enlarge the proposed new lot to include 250 ft. of public road frontage and move the driveway to the retained parcel further to the south off of Duff Road. In either scenario, the

applicant would need to rezone the severed parcel, either to Limited Service – Residential Waterfront or to Residential Waterfront, depending on whether or not the new lot had public road frontage. It was decided to defer a decision on the application until Mr. Sellers had an opportunity to consider the options.

RESOLUTION: C of A: 10:07:21

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-61-10-S by Alexander Sellers to create a waterfront lot with existing dwelling, in concession 5, lot 22, District of Storrington, to provide an opportunity for the applicant to consider options for the most appropriate lay-out of the severed lot.

Carried

Item #21: MV-12-10-B (Hopkins)

In Attendance: Don Hopkins

Discussion

The applicant's property consists of approximately 1 acre located on MacComish Lane, Buck Lake, District of Bedford. The proposal is for the construction of a 380 sq. ft. single storey addition to an existing dwelling to be located 50 ft. from the high water mark, and to increase the height of the existing dwelling by 16" to permit use of the basement level. The CRCA report has been received and they do not object to the proposal. Public Health has indicated that they require additional time to review the need for any upgrades to the sewage disposal system.

RESOLUTION: C of A: 10:07:21

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-12-10-B by Joanne & Don Hopkins to permit an addition to an existing dwelling, in concession 13, lot 4m District of Bedford, pending receipt of a report from Public Health.

Carried

Item #22: MV-13-10-B (Weider/McCartney)

In Attendance: Ian Moffat, agent

Discussion

The applicant's property consists of approximately 2.38 acres located on Parker Point Lane, Devil Lake, District of Bedford. The proposal is for the construction of a new 3100+ sq. ft. storey and a half residence. The residence will be located outside the required 30 m setback from the high water mark of Devil Lake. However, there is an inland intermittent watercourse and the requested variance would result in construction 28 ft. from that watercourse. Three structures on the property, including a 900 + sq. ft. seasonal dwelling located very close to the lake, would be removed. The CRCA indicated that they would require the structure to be set back further from the water course and that the sewage disposal system would also need to be moved further back.

RESOLUTION: C of A: 10:07:22

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-13-10-B by Mike Weider & Kate McCartney to permit construction of a new dwelling within 30m of an inland water course, in concession 13, lot 10, District of Bedford, pending further consultation with CRCA and Public Health.

Carried

Item #23: MV-14-10-S (McKercher)

In Attendance: Chris McKercher, applicant

Discussion

The applicant's property consists of approximately .33 acres located on Cedar Ridges Lane, Loughborough Lake, District of Storrington. The proposal is for the construction of a second

storey on a 1400 sq. ft. dwelling located 12 m (39 ft.) from the high water mark. The current dwelling is a single storey with a walk-out basement. This part of the lake is identified as being highly sensitive. Permitted lot coverage is 718 sq. ft. The applicant is not requesting a larger footprint but the enlarged dwelling would constitute a total of 2800 sq. ft. within 15 m of the high water mark, in addition to a walk-out basement. The Committee expressed concern that the CRCA does not object to the proposal, in spite of the fact that they note the property is adjacent to a Provincially Wetland, it is located on the west basin of Loughborough Lake, and a portion of the front yard is covered with cement. No report had been received to date from Public Health, and it will need to be determined if an upgrade to the sewage disposal system is required, and if so, whether this would then require input from the Ministry of Environment.

Some Committee members expressed the opinion that this seems like a great deal of development on a small lot, and that it does appear to be a "minor" variance.

RESOLUTION: C of A: 10:07:23

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-14-10-S by Chris McKercher to permit construction of a second storey addition to an existing dwelling within 30 m of the high water mark of Loughborough Lake, in concession 1, lot 3, District of Storrington, pending receipt of a report from Public Health.

Carried

Item #24: Adjournment

RESOLUTION: C of A: 10:07:24

Moved by: L. Redden

Seconded by: W. Robinson

THAT the August 12, 2010 meeting South Frontenac Township Committee of Adjustment is hereby adjourned at 8:55 p.m. to reconvene at 7:00 p.m. on Thursday, September 9, 2010 or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer