

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 10:10
NOVEMBER 11, 2010**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
Jack Moreland (Storrington District)
Richard Phillips (Bedford District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)

ABSENT WITH REGRETS: David Hahn (Bedford District)
Ron Vandewal (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: 10:10:01

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the November 11th, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. by L. Mills.

Item #2: Appointment of Acting Chair

In the absence of both the Committee Chair and Vice-Chair, the Committee was asked to appoint a Chairperson for the meeting.

RESOLUTION: C of A: 10:10:02

Moved by: W. Robinson

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby appoints Larry Redden to act a Chair of the November 11th, 2010 meeting of the Committee in the absence of Chair on Vandewal and Vice-Chair, David Hahn.

Carried

Item #3: Adoption of Agenda

Adopted as circulated

Item #4: Declaration of Pecuniary Interest

L. Redden declared a conflict with regard to application S-82-10-P (Larcon Farms).

Item #5: Minutes of October 14, 2010 meeting

RESOLUTION: C of A: 10:10:03

Moved by: R. Phillips

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the October 14th, 2010 meeting of the Committee, as amendedCarried**Item #6: S-65-10-L, S-66-10-L, S-67-10-L (Sramek)**

In Attendance: Zuzana Sramek

Discussion

The subject lands consist of 93+/- acres with frontage on Holleford Road and Fourteen Island Lake. Originally, the applicant had applied to create two waterfront lots and one non-waterfront lot. However, she has amended her proposal a couple of times and is now asking that her applications be for 3 non-waterfront lots, with all of the waterfront being left with the retained parcel. Quinte Conservation has asked for additional information before they are able to provide comments - they wish to see a surveyed building envelope that meets all required setbacks. It appears that the proposed lot at the south end of the property would have a satisfactory building site; however, this is not so clear when it comes to the other proposed lots. The Committee therefore agreed to make a decision on S-67-10-L, but to defer a decision on the other applications to ensure the possibility of building on those lots, and also to provide the applicant with additional time to discuss potential entrances onto the lots with a representative of the Roads Department.

RESOLUTION: C of A: 10:10:04

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-65-10-L by Zuzana Sramek, as amended, to create a lot from property in concession 12, lots 2,3,4, Holleford Road, District of Loughborough, pending a satisfactory report from Quinte Conservation as to a building site on the lot which meets all required setbacks.Carried

RESOLUTION: C of A: 10:10:05

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-66-10-L by Zuzana Sramek, as amended, to create a lot from property in concession 12, lots 2,3,4, Holleford Road, District of Loughborough, pending a satisfactory report from Quinte Conservation as to a building site on the lot which meets all required setbacks.Carried

RESOLUTION: C of A: 10:10:06

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-67-10-L by Zuzana Sramek, to create a lot from property in concession 12, lots 2,3,4, Holleford Road, District of Loughborough, subject to conditions.Carried

Application No:	S-67-10-L
Applicant:	Zuzana Sramek
Location of Property:	Concession 12, Lots 2,3,4, Holleford Road, District of Loughborough
Purpose of Application:	Consent to create residential lot
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-67-10-L shall be for a 45+/- acre lot fronting on Holleford Road.
3. Any right-of-way to the water over the property at 121 Stewart Lane shall be extinguished.
4. The applicant shall provide evidence that the right-of-way over the retained parcel shall continue to exist for all those entitled thereto.
5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
6. In the event that there are abandoned wells located on the property being severed, and the retained property, they 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.
7. 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.
8. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained 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.

9. The applicant shall enter into a development agreement to be registered on title to the severed parcel which requires that no development will be permitted on the severed parcel unless evidence is provided by a certified well driller that a well on the property will produce a minimum of 3.5 gallons of potable water per minute, over a 6-hour pump test.

Item #7: S-77-10-S (Ball)

In Attendance: Garfield Ball

Discussion

The subject lands consist of 5.6+/- acres with frontage on Milburn Road, District of Storrington. The applicant is seeking approval for the creation of a 3.4+/- acre residential lot, with 380 ft. of road frontage. The parcel from which this lot is being severed was itself severed from the original property in 2002, but there have not been additional severances and therefore this severance would be permitted.

RESOLUTION: C of A: 10:10:07

Moved by: J. Moreland

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-77-10-S by Garfield Ball, to create a lot in concession 8, lot 8, Milburn Road, District of Storrington, subject to conditions.

Carried

Application No:	S-77-10-S
Owner:	Garfield Ball
Location of Property:	Concession VIII, Lot 8, Milburn Rd., District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-77-10-S shall be for a 3.4+/- acre lot, with 380 +/- ft. frontage on Milburn Road.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
- 6. The surveyor who prepares the reference plan referred to in condition #1**

shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and 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 demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item #8: S-78-10-L, S-79-10-L (Orser)

Discussion

The subject lands consist of 91+/- acres with frontage on Keeley and Rutledge Roads, District of Loughborough. The applicant is seeking approval for the creation of a 1+/- acre lot addition to #2193 Keeley Road, and a 5+/- acre lot with frontage on Keeley Road. There have been no objections to the applications. The applicant will need to construct a driveway onto the new lot prior to the stamping of the deeds to ensure compliance with a Roads Department requirement that the entrance be located at the most easterly side of the lot.

RESOLUTION: C of A: 10:10:08

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-78-10-L by Elwood Orser, to create a lot addition in concession 4, lot 9, Keeley Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-78-10-L
Owner:	Elwood Orser
Location of Property:	Concession IV, Lot 9, Keeley Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Consent to create lot addition
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-78-10-L shall be for a 1+/- acre lot addition to 2193 Keeley Road, being part 2 on Plan 13R-6946. 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

RESOLUTION: C of A: 10:10:09

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-79-10-L by Elwood Orser, to create a new lot in concession 4, lot 9, Keeley Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-79-10-L
Owner:	Elwood Orser
Location of Property:	Concession IV, Lot 9, Keeley Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Consent to create new lot
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-79-10-L shall be for a 5+/- acre lot with a minimum of 250 ft. frontage on Keeley 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 lot 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 provide a well driller's report verifying 3.5 gallons per minute over a six hour pump test.
8. The entrance to the severed lot shall be constructed at the east side of the lot, prior to the stamping of the deeds, as per the direction of the Roads Department.

Item #9: S-80-10-P, S-82-10-P (Lambert)

In Attendance: Ron Lambert

Discussion

The subject lands consist of 77+/- acres with frontage on Alton & Peters Roads, District of Portland. The applicant is seeking approval for the creation of a 7+/- acre lot and 3+/- acre lot, each with 250 + ft. frontage on Alton Road. Because of concern from the Chief Building Official about the minimum distance separation required from the small barn across the road, the applicant agreed to enlarge the second lot (S-81) to the same depth as the lot to be created through S-80-10-P. This would ensure that the minimum distance separation could be met.

RESOLUTION: C of A: 10:10:10

Moved by: L. McCullough

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-80-10-P by Ronald & Christine Lambert, to create a lot from property in concession 5, lot 4, Alton Road, District of Portland, subject to conditions.

Carried

Application No:	S-80-10-P
Owner:	Ronald & Christine Lambert
Location of Property:	Concession V, Lot 4, Alton Road, District of Portland, Township of South Frontenac
Purpose of Application:	Consent to create residential lot
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-80-10-P shall be for a 7+/- acre lot with a minimum of 250 ft. frontage on Alton Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the lot 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 provide a well driller's report verifying 3.5 gallons of potable water per minute over a six hour pump test.**

RESOLUTION: C of A: 10:10:11

Moved by: W. Robinson

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-81-10-P by Ronald & Christine Lambert, to create a lot from property in concession 5, lot 4, Alton Road, District of Portland, as amended, subject to conditions.

Carried

Application No:	S-81-10-P
Owner:	Ronald & Christine Lambert
Location of Property:	Concession V, Lot 4, Alton Road, District of Portland, Township of South Frontenac
Purpose of Application:	Consent to create residential lot
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-81-10-P shall be for a 7+/- acre lot with a minimum of 250 ft. frontage on Alton Road. The rear lot of S-81-10-P shall be an extension of the rear lot line of S-80-10-P.**
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 lot 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 provide a well driller's report verifying 3.5 gallons of potable water per minute over a six hour pump test.

Item #10: S-82-10-P (Larcon Farms)

At this point in the meeting, Larry Redden vacated the Chair.

In Attendance: Kevin Redden

Discussion

The subject lands consist of 175+/- acres with frontage on Road 38 and Wilton Road, District of Portland. The applicant is seeking approval for the creation of a 2.6+/- acre lot addition to a parcel that was previously created as a commercial parcel to be used for a greenhouse operation.

RESOLUTION: C of A: 10:10:12

Moved by: W. Robinson

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-82-10-P by Larcon Farms, to create a lot addition from property in concession 4, lot 7, Road 38, District of Portland, subject to conditions.

Carried

Application No:	S-82-10-P
Owner:	Larcon Farms
Location of Property:	Concession IV, Lot 7, Road 38, District of Portland, Township of South Frontenac
Purpose of Application:	Consent to create lot addition to commercial property
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-82-10-L shall be for a 2.6+/- acre lot addition to part 1 on Plan 13R-19524. 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 pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

L. Redden resumed the Chair

Item #11: S-83-10-L (Brown)

Discussion

The subject lands consist of 190+/- acres with frontage on Railton Road, District of Loughborough. The applicant is seeking approval for the separation of two farm properties whose title has merged through common ownership. Each parcel has a minimum of 250 ft. frontage on Railton Road, and the total number of permitted severances has not been exceeded.

RESOLUTION: C of A: 10:10:13

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-83-10-L by the Estate of William W. Brown to divide two farm properties which have merged in title, in concession 3, lots 1 & 2, Railton Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-83-10-L
Owner:	Estate of William W. Brown
Location of Property:	Concession III, Lot 1/2, Railton Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of farm parcel
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-83-10-L shall be for a 95+/- acre parcel, with 250+ ft. frontage on Railton Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and 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 #12: (Gordon)

The subject lands consist of 124+/- acres with frontage on Rutledge Road and Sydenham Lake, District of Loughborough. The applicant is seeking approval for the creation of a) 4.2+/- acre non-waterfront residential lot, subject to a right-of-way to the waterfront parcel; and b) a 5+/- acre waterfront lot with 200+/- ft. frontage on Sydenham Lake, to be accessed by a private lane. The access off of Rutledge Road will be an existing driveway which accesses two dwellings. Two additional dwellings also exist on the subject property. The proposal is to include an existing dwelling on the new lot, and to demolish a second dwelling. The applicant is proposing to develop the waterfront parcel with the house which was originally located at 2384 Rutledge. There will be no new accesses required off of Rutledge Road. The water frontage is deficient, but the proposed lot will include all of the water frontage at that location. A rezoning will be required to recognize the deficient water frontage, and to change the zoning from Rural to Limited Service - Residential Waterfront.

RESOLUTION: C of A: 10:10:14

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-84-10-L by Sally Gordon, to create a residential lot with an existing dwelling, subject to a right-of-way, in concession 5, lot 7, Rutledge Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-84-10-L
Owner:	Sally Gordon
Location of Property:	Concession V, Lot 7, Sydenham Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-84-10-L shall be for a 4.2+/- acre lot with an existing dwelling, with 250+ft. frontage on Rutledge Road, subject to a right-of-way to the waterfront lot to be created through consent S-85-10-L. The right-of-way shall be constructed according to the Township's standards for new private lanes and shall be registered on title to the lot over which it passes and the lot to which it gives access.**
3. **One of the dwellings on the retained parcel shall be removed; a building permit for demolition will be required. All structures must meet setback requirements as per the Township Comprehensive Zoning By-law.**
4. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
5. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
6. **The Township of South Frontenac shall receive 5% of the value of the severed parcel , (as though it were a vacant lot) 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 50 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 50 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) **The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;**
 - e) **The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.**
8. **The applicant shall provide evidence of potable water on the severed parcel.**

9. The applicant shall enter into a development agreement with the municipality to be registered on title to the severed parcel which requires that, should a subdivision be developed on the original subject property, the access to the severed lot off of Rutledge Road will be closed, and the lot will take its access from an internal public subdivision street.

RESOLUTION: C of A: 10:10:15

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-85-10-L by Sally Gordon, to create a waterfront residential lot in concession 5, lot 7, District of Loughborough, together with a right-of-way, subject to conditions.

Carried

Application No:	S-85-10-L
Owner:	Sally Gordon
Location of Property:	Concession V, Lot 7, Sydenham Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential waterfront lot
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 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-85-10-L shall be for a 5.0+/- acre lot, with 200+/- ft. frontage on Sydenham Lake, together with a right-of-way from Rutledge Road, over the lot to be created through consent S-84-10-L. The right-of-way shall be constructed according to the Township's standards for new private lanes and shall be registered on title to the lot over which it passes and the lot to which it gives access.
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 50 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 50 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 obtain an amendment to the Township’s Comprehensive Zoning By-law to rezone the severed parcel from Rural to a Special Limited Service Waterfront Residential, to recognize that the lot is a waterfront parcel accessed by a private lane, and to recognize the deficient water frontage.**
8. **The applicant shall enter into a development agreement with the municipality to be registered on title to the severed parcel to recognize the municipality’s limited service and environmental policies, to require that a permit be obtained from the Cataraqui Region Conservation Authority prior to any shoreline or in water works (including docks), and to specify that should a subdivision be developed on the original subject property, the access to the severed lot will be from an internal public subdivision street.**

Item #13: MV-16-10-S (Jarrell)

The applicant’s property consists of approximately .48 +/- acres and is developed with a dwelling and deck located 62 ft. from the high water mark of Loughborough Lake, according to measurements carried out by Township staff. The existing dwelling alone covered 7.5+ % of the lot area, and the deck would be in addition to this. The applicant was seeking permission to demolish the existing dwelling and to construct a new two-storey dwelling. The gross floor area of the proposed new dwelling would therefore be more than double that of the current dwelling. It is the opinion of the CBO that this structure would be too imposing for the site, and Committee members agreed that this would be too large a structure in that location.

RESOLUTION: C of A: 10:10:16

Moved by: J. Moreland

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-16-10-S by Valerie Jarrell, as amended, to permit construction of a new dwelling, in concession 1, lot 9, Loughborough Lake, District of Storrington, subject to conditions.

Carried

Application No:	MV-16-10-S
Owner:	Valerie Jarrell
Location of Property:	Pt. Lot 1, Concession 9, Loughborough 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, as amended
Date of Hearing:	November 11, 2010
Date of Decision:	November 11, 2010

DECISION: **VARIANCE APPROVED, as amended, subject to conditions**

CONDITIONS

1. **The variance is limited to construction of a 1480 sq. ft. one-storey dwelling (maximum height 20 ft.) to replace an existing dwelling, and a deck with a maximum width of 8 ft., to be located a minimum of 75 ft. from the high water mark.**
2. **Minor variance MV-16-10-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 an agreement with the Township to be registered on title, which includes the municipality's environmental policies, and which specifies that a permit will be required from Cataraqui Region Conservation Authority for any development on the property and all shoreline or in water works, including docks.**

REASON FOR DECISION: The variance, as amended, has been approved by staff and agencies, and the proposal is considered to maintain the general intent of the Township's official plan and zoning by-law.

Item #14: MV-18-10-B (Purdon)

In Attendance: Barb & Larry Purdon

Discussion

The applicant's property consists of approximately 4 acres and is developed with a dwelling, sleeping cabin, and workshop. The proposal is to demolish the dwelling and construct a new one, 70 ft. from the high water mark. The existing cottage is located 38 ft. from the HWM. Lot coverage is obviously not an issue; however, L. Mills expressed the opinion that it would be possible to build at a further setback from the water, given the depth of the property.

The applicants explained the difficulties that they believe exist to prevent moving further from the water, including the location of the sewage disposal system, mature trees and terrain.

The Committee agreed to approve the construction of a new dwelling at a 75 ft. setback.

RESOLUTION: C of A: 10:10:17

Moved by: R. Phillips

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application S-18-10-B, as amended, to permit construction of a new dwelling in concession 13, lot 9, Devil Lake, District of Bedford, subject to conditions, and with the understanding that a permit will be required from the Cataraqui Region Conservation Authority.

Carried

Application No:	MV-18-10-B
Owner:	Barbara & Larry Purdon
Location of Property:	Concession 13, Lot 9, Devil 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:	November 11, 2010
Date of Decision:	November 11, 2010
DECISION:	VARIANCE APPROVED, as amended, subject to conditions

CONDITIONS

1. **The variance is limited to construction of an 1856 sq. ft. single storey dwelling to replace an existing dwelling, to be located a minimum of 75 ft. from the high water mark.**
2. **Minor variance MV-18-10-B 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 environmental policies, and which specifies that a permit will be required from Cataraqui Region Conservation Authority for any development on the lot, and for all shoreline or in water works, including docks.**

REASON FOR DECISION: The variance, as amended, has been approved by staff and agencies, and the proposal is considered to maintain the general intent of the Township's official plan and zoning by-law.

Item #15: MV-19-10-B (Andrews)

In Attendance: Nancy Andrews

Discussion

The applicant's property consists of approximately .25 +/- acres and is developed with a seasonal dwelling and deck located 18 ft. from the high water mark of Thirteen Island Lake. The applicant wishes to construct a 200 sq. ft. addition and a deck with wheelchair accessibility (the area of the deck and wheelchair ramp would be approximately 587 sq. ft.). Quinte Conservation does not object to the proposal since the development would not be closer to the water. Public Health is prepared to issue a permit for a new holding tank. While there is clearly a rationale for making the dwelling more accessible, the development would bring the total lot coverage significantly over the 5% permitted coverage (over 12.5 %). The applicant explained that this additional construction would permit the required width and turning area for a wheelchair, and would allow the applicant more accessible use of her kitchen.

RESOLUTION: C of A: 10:10:18

Moved by: R. Phillips

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-19-10-B by Nancy Andrews, to permit construction of an addition and deck to an existing seasonal dwelling in concession 1, lot 1, Thirteen Island Lake, District of Bedford.

Carried

Application No:	MV-19-10-B
Owner:	Nancy Andrews
Location of Property:	Pt. Lot 1, Concession 1, Thirteen Island, 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:	November 11, 2010
Date of Decision:	November 11, 2010

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

CONDITIONS

1. **The variance is limited to construction of a 200 sq. ft. single storey addition to the existing dwelling, to be located no closer to the high water mark than the dwelling, plus a 200 sq. ft. ramp, and a 388 sq. ft. deck, to be located a minimum of 23 ft. from the high water mark. This variance is intended to provide wheelchair accessibility and the permitted ramp cannot be converted to a deck, nor can the new deck be enclosed without permission of the Township.**
2. **Minor variance MV-19-10-B 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 environmental policies, and which specifies that a permit will be required from Quinte Conservation Authority for any development on the property, or shoreline, including docks.**

REASON FOR DECISION: The variance has been approved by staff and agencies, and the proposal is considered to maintain the general intent of the Township's official plan and zoning by-law, while providing the necessary accessibility and living space.

Item #16: Adjournment

RESOLUTION: C of A: 10:10:19

Moved by: J. Moreland

Seconded by: L. York

THAT the November 11, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:30 p.m. to reconvene in 2011, on a date to be determined, following confirmation of Committee composition.

Carried



Larry Redden, Acting Chair



Lindsay Mills, Secretary-Treasurer