

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 10:08
SEPTEMBER 9, 2010**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: 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: David Hahn (Bedford 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: 10:08:01

Moved by: W. Robinson

Seconded by: L. Redden

THAT the September 9th, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:01 p.m. with Ron Vandewal in the Chair.

Carried

Item #2: Adoption of Agenda

Adopted as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Minutes of August 12th, 2010 meeting

RESOLUTION: C of A: 10:08:02

Moved by: R. Phillips

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the August 12th, 2010 meeting of the Committee, as circulated.

Carried

Item #5: 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 frontage on Loughborough Lake. The application was deferred at the August meeting to provide an opportunity for the applicant to consider an alternate lay-out of the lot so that it would have 250 ft. of frontage either on a private lane or on a public road and to ensure that the retained parcel would take direct access off of a public road. Mr. Sellers has decided to create the lot with no public road frontage, and to increase the water frontage on the lot to ensure that the lot is 2.5 acres in size. In this way, both the severed and retained parcels will take their access from the existing laneway. There was also discussion at the August meeting about the requirement for payment of 5% parkland fee on the severed lot since both the severed and retained parcels are developed with dwellings. This matter went before Council who decided to require the 5% payment.

RESOLUTION: C of A: 10:08:03

Moved by: L. York

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-61-10-S by Alexander Sellers, as amended, to create a waterfront lot with existing dwelling in concession 5, lot 22, Loughborough Lake, District of Storrington, subject to conditions.

Carried

Application No:	S-61-10-S
Owner:	Alexander Sellers
Location of Property:	Concession 5, lot 22, District of Storrington, Township of South Frontenac
Purpose of Application:	To create waterfront lot with existing dwelling
Date of Hearing:	August 12, 2010
Date of Decision:	September 9, 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-61-10-S shall be for a 2.5+ acre lot, with a minimum of 300 ft. frontage on Loughborough Lake, and 250 ft. frontage on a right-of-way off of Duff Road. The right-of-way shall be constructed according to the Township's standards for new private lanes.**
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 obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to amend the zoning on the severed parcel from Rural to RLSW.
 8. The applicant shall enter into an agreement with the municipality, to be registered on title to the severed lot, which sets out the Township's environmental and limited service policies, and which requires that a permit be obtained from the Cataraqui Region Conservation Authority prior to any in-water or shoreline works, including the installation of docks.

Item #6: MV-11-10-B (Smith)

In Attendance: Charlie Smith

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 CBO has indicated that there is a large existing deck on the property, and that the addition would be within 15m of a slope which is greater than 30%. 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 indicated that the property is located on Green Bay of Bob's Lake, which is identified as highly sensitive. However, the property is actually not on Green Bay but rather on Buck Bay. Planning staff therefore contact the RVCA again and discussed the application. Their position –i.e. that the application should be denied – has not changed, primarily because of the proposed development on the slope. Mr. Smith noted that there were limited options as to where an addition could be constructed because of the location of septic and well. L. Mills indicated that he could support an addition provided that it did not wrap around the side of the cottage. It was agreed that a decision not be made on this application until the applicant had met again on site with the Township Planner.

RESOLUTION: C of A: 10:08:04

Moved by: R. Phillips

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-11-10-B by Melissa Smith, to construct an addition to an existing waterfront dwelling in concession 3, lots 19/20, Bob's Lake, District of Bedford, pending reconsideration of development plans.

Carried

Item #7: 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. A Public Health report was not available at the August meeting but has now been received and they have no objection. Comments were received from a neighbouring property owner expressing concern about the addition going closer to the west lot line when it would be possible to put the addition entirely at the rear of the dwelling or the other side of the dwelling which would be quite far from the nearest neighbour. Mark Montagano spoke on behalf of the neighbouring property owner and expressed concern that the enlarged cottage would diminish the enjoyment of the neighbouring property because of its proximity to the west property line. Committee members noted that the addition would still more than meet the minimum side yard setback.

R. Phillips noted that existing development on the property was of concern to him. He pointed to a somewhat elaborate dock and deck at the water.

RESOLUTION: C of A: 10:08:05

Moved by: R. Phillips

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-12-10-B by Don & Joanne Hopkins, to construct an addition to an existing waterfront dwelling in concession 13, lot 4, Buck Lake, District of Bedford, subject to conditions.

Carried

Application No:	MV-12-10-B
Owner:	Joanne and Don Hopkins
Location of Property:	Pt. Lot 4, Concession 13, Buck 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:	August 12, 2010
Date of Decision:	September 9, 2010

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- The variance is limited to construction of a 680 sq. ft. addition to be located no closer than 50 ft. from the high water mark, and no more than 16 ft. to the west of the existing structure. The variance also permits an increase in height of the existing structure by 16 in. , and an altered roof not to exceed 36 ft.**
- Minor variance MV-12-10-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 limited service and environmental policies, and which specifies that a permit will be required from Cataraqui Region Conservation Authority prior to any development on the property.**

Item #8: 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 application was deferred at the August meeting in order to consider an alternate site for the septic system based on the CRCA's setback requirements. A new site has been established and the applicant has provided a revised sketch which all agencies support.

Application No:	MV-13-10-B
Owner:	Mike Weider, Kate McCartney
Location of Property:	Pt. Lot 10, Concession 13, 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:	August 12, 2010
Date of Decision:	September 9, 2010
DECISION:	VARIANCE APPROVED , subject to conditions

CONDITIONS

1. **The variance is limited to construction of a 3100 sq. ft. dwelling, and sewage disposal system to be located as indicated on the revised sketch submitted by the applicants on September 1, 2010.**
2. **Minor variance MV-13-10-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **The applicant will be required to obtain approval from the Township of South Frontenac, and to pay any required deposit, prior to the issuance of a building permit for the new dwelling, to allow any existing dwellings on the property to remain during construction.**
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 the Cataraqui Region Conservation Authority for any development on the property, or shoreline, including docks.**

Item #9: MV-14-10-S (McKercher)

In Attendance: Chris McKercher

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. Public Health have indicated that a septic system with increased capacity can be installed at a minimum 30 m setback from the high water mark. The Cataraqui Region Conservation Authority had indicated that, while they did not object to the variance, it was their opinion that the Ministry of Environment would object to any enlargement of the septic system on this highly sensitive lake trout lake. Staff discussed this with a representative of MOE who confirmed this position. However, since nothing had been received in writing from MOE, the Committee could not make a decision on the application.

RESOLUTION: C of A: 10:08:07

C of A: 10:08:07

Moved by: L. York

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-14-10-S by Chris McKercher, to construct a second storey on a dwelling within 30m setback of Loughborough Lake, in concession 1, lot 3, District of Storrington, pending receipt of updated report from CRCA based on comments the received from MOE.

Carried**Item #10: S-62-10-S, S-63-10-S (Kirkpatrick)**

In Attendance: Frank Kirkpatrick

Discussion

The subject lands consist of 107+/- acres with frontage on Wellington, Milburn and Ormsbee Roads. The applicants are seeking approval for the creation of two 2-acre residential lots, fronting on Milburn Road. There were no objections to the applications, but the Roads Department has specified the location of the entrance for S-63-10-S and has requested that trees and brush be cut back in front of the severed lots.

RESOLUTION: C of A: 10:08:08

Moved by: L. York

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-62-10-S by Frank & MaryLou Kirkpatrick, to sever a 2 acre residential lot with frontage on Milburn Road, in concession 9, lot 13, District of Storrington, subject to conditions.

Carried

Application No:	S-62-10-S
Owner:	Frank & MaryLou Kirkpatrick
Location of Property:	Concession IX, Lot 13, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	September 9, 2010
Date of Decision:	September 9, 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-62-10-S shall be for a 2+ acre lot, with a minimum of 250 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 (on Milburn Road only) 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. **Brush and trees in front of the severed lot must be cut back to the satisfaction of the Roads Department.**
8. **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.**

RESOLUTION: C of A: 10:08:09

Moved by: J. Moreland

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-63-10-S by Frank & MaryLou Kirkpatrick, to sever a 2 acre residential lot with frontage on Milburn Road, in concession 9, lot 13, District of Storrington, subject to conditions.

Carried

Application No:	S-63-10-S
Owner:	Frank & MaryLou Kirkpatrick
Location of Property:	Concession IX, Lot 13, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	September 9, 2010
Date of Decision:	September 9, 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-63-10-S shall be for a 2+ acre lot, with a minimum of 250 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 (Milburn Road only). 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 entrance to the lot created through S-63-10-S must be constructed, at the top of the hill at the north end of the lot, prior to the stamping of the deeds, and brush and trees in front of the severed lot must be cut back to the satisfaction of the Roads Department.**
 8. **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 #11: S-64-10-L (Inwood)

In Attendance: Michael Doggett, agent; Lyle Inwood, applicant

Discussion

The subject lands consist of 132+/- acres with frontage on Halligan Lane. The applicant is seeking approval for the creation of 2 small lot additions to 5286 Wilmer Road and a 30+/- acre lot addition to 5302 Wilmer Road. Staff have expressed concern to the applicant's agent, Mr. Doggett, about the shape of the proposed large lot addition, and have also indicated our reasoning regarding ensuring that the retained parcel lends itself to a possible future subdivision, given that at least a portion of the Inwood property lies within the settlement area of Wilmer. Committee member discussed this matter, and did not feel that it was necessary to ensure this possibility.

RESOLUTION: C of A: 10:08:10

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-64-10-L by Lyle Inwood, to sever lot additions from property in concession 7, lot 14/15, District of Loughborough, subject to conditions.

Carried

Application No:	S-64-10-L
Owner:	Lyle Inwood
Location of Property:	Concession 7, lot 14/15, District of Loughborough, Township of South Frontenac
Purpose of Application:	To create lot additions
Date of Hearing:	September 9, 2010
Date of Decision:	September 9, 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-64-10-L shall be for a .18 and .084 ha lot addition to property at 5286 Wilmer Road (Plan 13R-1576, part 1), and a 12ha lot addition to 5302 Wilmer Road (Plan 13R-2167, part 1). 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 (2 X \$100 in total) in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #12: S-66-10-L, S-67-10-L (Sramek)

In Attendance: Zuzana Sramek, Richard Paudyn

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 later asked that her applications be for only one waterfront lot, and one non-waterfront lot. In addition, Quinte Conservation has asked for additional information before they are able to provide comments and the neighbouring property owners were circulated the original proposal and not the revised one. Therefore, the applications will need to be deferred at this meeting pending: confirmation from Quinte Conservation that access to the new lots is acceptable; and re-circulation to neighbouring property owners.

RESOLUTION: C of A: 10:08:11

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-66-10-L and S-67-10-L by Zuzana Sramek, to sever a waterfront lot and anon-waterfront lot, from property in concession 12, lots 2,3,4, Holleford Road, District of Loughborough, pending receipt of agency reports, and re-circulation to neighbouring property owners based on revisions to the original applications.

Carried

Item #13: S-68-10-P (Kerr)

Discussion

The subject lands consist of 300+ acres with frontage on German Road. The applicant is seeking approval for the creation of a 5+/- acre residential lot. There have been no objections to the application. A neighbouring property owner in Stone Mills Township expressed concerns about the effect on the rural landscape as well as the potential for a detrimental impact on area wells. This area has not been identified in the recent groundwater study as being very sensitive with regard to ground water quantity or quality. This is the first severance since 2000 from applicant's property and all requirements for consent approval have been met.

RESOLUTION: C of A: 10:08:12

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-68-10-P by Joan Kerr, to create a 5+/- acre residential lot in concession 7, lot 19,20, German Road, District of Portland, subject to conditions.

Carried

Application No:	S-68-10-P
Owner:	Joan Kerr
Location of Property:	Concession 7, lot 19/20, District of Portland, Township of South Frontenac
Purpose of Application:	To create 5+/- acre residential lot
Date of Hearing:	September 9, 2010
Date of Decision:	September 9, 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-68-10-P shall be for a 5+/- acre lot, with a minimum of 250 ft. frontage on German 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 #14: MV-15-10-B (McDowell/Cole)

In Attendance: Ric Stoness, agent

Discussion

The applicant's property consists of approximately 2.5 acres on Devil Lake. The property is developed with a small cottage, located 30 ft. from the high water mark, and two sheds. The application is for approval of a variance to permit the addition of a 448 sq. ft. screened porch 70 ft. from the high water mark, and a 736 sq. ft. addition to be located 45 ft. from the high water mark. CRCA has no objection, provided environmental controls are put in place and that a permit is obtained from them prior to development on the property. Public Health has

no objection provided that only one sleeping cabin is permitted on the property. The CBO has some serious concerns since he believes that it would be highly unlikely that the additions could occur without almost all of the existing structures being removed, and this goes against the intent of the variance process.

Mr. Stoness indicated that only one wall would need to be removed, but that the others would be "reconstructed". Some Committee members expressed concern about what that might mean, especially in light of the comments from the Chief Building Official. A condition has been included which requires that at least three of the existing walls must remain in place and that structural details must be provided to the Building Inspector to show how this condition will be met. The Committee also required that the minimum setback for the screened porch must be 50 ft.

RESOLUTION: C of A: 10:08:13

Moved by: R. Phillips

Seconded by: J. Moreland

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-15-10-B by Patricia McDowell and Richard Cole to construct additions to an existing waterfront dwelling, within 30m of the high water mark of Devil Lake, concession 12, lot 9, District of Bedford, subject to conditions, as amended.

Carried

Application No:	MV-15-10-B
Owner:	Patricia McDowell, Richard Cole
Location of Property:	Pt. Lot 9, Concession 12, 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:	September 9, 2010
Date of Decision:	September 9, 2010

DECISION: VARIANCE APPROVED, subject to conditions

DECISION:

1. **The variance is limited to construction of a 656 sq. ft. addition, and a 348 sq. ft. screened porch, to be located a minimum of 50 ft. from the high water mark. The applicant must provide confirmation of how the additions will be constructed while maintaining at least 3 walls of the existing structure.**
2. **Minor variance MV-15-10-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **No more than one sleeping cabin, maximum footprint 300 sq. ft. shall be permitted on the lot.**
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 the Cataraqui Region Conservation Authority for any development on the property, including docks.**

Item #15: Adjournment

RESOLUTION: C of A: 10:08:14

Moved by: L. McCullough

Seconded by: J. Moreland

THAT the September 9, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:38 p.m. to reconvene at 7:00 p.m. on Thursday, October 14, 2010 or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer