

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 11:01
FEBRUARY 10, 2011**

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: Mark Tinlin (Bedford District)
Len McCullough (Loughborough District)

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

RESOLUTIONS & BUSINESS:

Item #	Subject	Page
1.	Call to order	1
2.	Appointment of acting chair person	1
3.	Adoption of Agenda	1
4.	Declaration of Pecuniary Interest	1
5.	Election of Chair and Vice-Chair	2
6.	Appointment of Secretary-Treasurer and Assistant Secretary-Treasurer	2
7.	Approval of Minutes – November 11, 2010	2
8.	S-86-10-L (Little)	2
9.	S-87-10-L, S-88-10-L (Little)	4
10.	S-89-10-L (Silver)	6
11.	S-90-10-S (Freeman)	7
12.	S-91-20-S (Freeman)	8
13.	S-92-10-P, S-93-10-P, S-94-10-P (Asselstine)	8
14.	S-01-11-B (DeLaat/Welch)	12
15.	MV-20-10-B (Ahern)	13
16.	MV-22-10-S (Benoit)	14
17.	MV-23-10-B (Andrade)	14
18.	MV-24-10-L (Baxter)	15
19.	MV-25-10-P (Day)	15
20.	MV-26-10-S (Sargent)	16
21.	MV-27-10-B (Schneider)	16
22.	Other Business – appl. Forms	16
22.	Adjournment	17

Item #1: Call to Order

RESOLUTION: C of A: 11:01:01

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the February 10, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. by Planning Coordinator L. Mills.

Carried

Item #2: Adoption of Agenda
Adopted as circulated

Item #4: Declaration of Pecuniary Interest
None

Item #5: Election of Chair and Vice-Chair for 2011

RESOLUTION: C of A: 11:01:02

Moved by: W. Robinson

Seconded by: L. York

THAT Ron Vandewal is hereby nominated as Chair for the South Frontenac Township Committee of Adjustment for the year 2011.

There being no other nominations, R. Vandewal was declared elected as Chair.

R. Vandewal assumed the Chair.

RESOLUTION: C of A: 11:01:03

Moved by: L. Redden

Seconded by: L. York

THAT David Hahn is hereby nominated as Vice-Chair for the South Frontenac Township Committee of Adjustment for the year 2011.

There being no other nominations, D. Hahn was declared elected as Vice-Chair.

Item #6: Appointment of Secretary-Treasurer and Assistant Secretary-Treasurer

RESOLUTION: C of A: 11:01:04

Moved by: L. Redden

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby appoints Lindsay Mills as Secretary-Treasurer of the Committee, and Anne Levac as Assistant Secretary-Treasurer of the Committee, for the 2011-2014 term.Carried**Item #7: Minutes of November 11, 2010 meeting**

RESOLUTION: C of A: 11:01:05

Moved by: D.Hahn

Seconded by: W. Robinson

THAT the minutes of the November 11, 2010 meeting of the South Frontenac Township Committee of Adjustment are hereby approved as circulatedCarried**Item #8: S-86-10-L (Little)**

Speaking to the Application: Gary Little, applicant

Discussion

The subject lands consist of 89+/- acres with frontage on Murvale and Railton Roads. The applicants are seeking approval for the creation of an 8+/- acre residential lot with existing dwelling, fronting on Murvale Road. There is an existing well, septic and driveway. L. Mills explained to the Committee that he had asked the applicants to reduce the depth of the proposed lot so that there would be a greater distance between the new lot's rear lot line, and the back of the property. This would avoid the creation of a wrap-around type situation. It was agreed that the rear lot line of the new lot would be a minimum of 215 ft. from the rear lot line of the original subject property.

RESOLUTION: C of A: 11:01:06

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-86-10-L by Gary & Carol Little to create an 8+/- acre lot with existing dwelling, in concession 2, lot 1, Murvale Road, District of Loughborough, as amended, subject to conditions.Carried

Application No:	S-86-10-L
Owner:	Gary & Carol Little
Location of Property:	Concession II, Lot 1, Murvale Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of 8+/- acre residential lot with existing dwelling
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011
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 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-86-10-L shall be for a lot, with an existing dwelling, and with a minimum of 250 ft. frontage on Murvale Road. The rear lot line of the new lot shall be a minimum of 215 ft. from the rear (east) lot line of the original subject property.**
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 (as though it were vacant land) 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**

Application No:	S-86-10-L
Owner:	Gary & Carol Little
Location of Property:	Concession II, Lot 1, Murvale Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of 8+/- acre residential lot with existing dwelling
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011
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 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-86-10-L shall be for a lot, with an existing dwelling, and with a minimum of 250 ft. frontage on Murvale Road. The rear lot line of the new lot shall be a minimum of 215 ft. from the rear (east) lot line of the original subject property.**
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 (as though it were vacant land) 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 evidence of potable water on the severed parcel.**

Item #9: S-87-10-L, S-88-10-L (Little)

Speaking to the Application: Gary Little, applicant

Discussion

The subject lands consist of 89+/- acres with frontage on Murvale and Railton Roads. The applicants are seeking approval for the creation of two residential lots, with a minimum road frontage of 250 ft. One of the lots will front on Murvale Road and the other will front on both Murvale and Railton Roads. The Roads Department indicated that if the entrance to the new lot created through S-88-10-L is intended to be off of Murvale Road, it must be located as far south on the new lot as possible. If the entrance is to come off of Railton Road, it must be located as far east on the new lot as possible. A condition is included requiring installation of the driveway before the deed is stamped. Mr. Little noted that he intended that the driveway would come off of Railton Road, and Committee members agreed that this was preferable since there is a stop sign on Railton Road at that intersection so that traffic will already be slowed down. R. Vandewal questioned why the two new lots were not proposed to be adjacent to each other so that land which was not good for agricultural purposes would be used for development. Mr. Little responded that it was his intention to eventually build on the rough land between the new lots.

RESOLUTION: C of A: 11:01:07

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-87-10-L by Gary & Carol Little, to create a residential lot in concession 2, lot 1, Murvale Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-87-10-L
Owner:	Gary & Carol Little
Location of Property:	Concession II, Lot 1, Murvale Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of 6.5 +/- acre residential lot
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011
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 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-87-10-L shall be for a 6.5 +/- acre lot, with a minimum of 250 ft. of public road frontage.**
- 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**

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.

RESOLUTION: C of A: 11:01:08

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-88-10-L by Gary & Carol Little, to create a residential lot in concession 2, lot 1, Murvale Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-88-10-L
Owner:	Gary & Carol Little
Location of Property:	Concession II, Lot 1, Murvale Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of 2+ acre residential lot
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011

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 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-88-10-L shall be for a 2+ acre lot, with a minimum of 250 ft. of public road frontage.**
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 (as though it were vacant land) 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 entrance to the lot created through application S-88-10-L must be installed prior to the stamping of the deed, according to the specifications of the Township 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 #10: S-89-10-L (Silver)

Speaking to the Application: D. Silver, applicant

Discussion

The subject lands consist of 30+/- acres, with frontage on Little Long Lake Road and Mica Lake. The proposal is to add 10 acres of land, with 400+ ft. water frontage and 540+ ft. of road frontage to an existing 1.15 acre lot on Little Long Lake Road. The application will provide the property with water frontage and the resulting lot will be in conformity with the Township's Official Plan.

RESOLUTION: C of A: 11:01:09

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent applications-89-10-L by Darryl & Laura Silver, to create a lot addition in concession 8, lot 11, Little Long Lake Road and Mica Lake, District of Loughborough, subject to conditions.

Carried

Application No:	S-89-10-L
Owner:	Darryl & Laura Silver
Location of Property:	Concession VIII, Lot 11, Little Long Lake Road/Mica Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011
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 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. Consent Application S-89-10-L creates a lot addition only to property fronting on Little Long Lake Road, described as part 3 on Plan 13R-13072, and shall be identified as a lot addition to the aforementioned property on the consent certificate.**
- 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 #11: S-90-10-S (Freeman)

Speaking to the Application: Walt Freeman, applicant

Discussion

The subject lands consist of 24+/- acres with frontage on Battersea Road and Cedar Lake. The applicants are seeking approval for the creation of an 8+/-acre residential lot, fronting on both the road and the lake. Although the property is zoned Urban Residential – First Density, agricultural activities which have been continuously carried on (in this case mink/fox farming) are permitted to continue, but if this operation ceases, agricultural uses would not be permitted. Minimum Distance Separation criteria do not have to be applied in Settlement Areas, but municipalities can apply them if they wish. Committee members wished to have a further opportunity to consider the MDS matter. No report had been received from Public Health which would also require that the application be deferred.

RESOLUTION: C of A: 11:01:10

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-90-10-S by Walt Freeman to create an 8+/- acre lot in concession 9, lot 7/8, Battersea Road and Cedar Lake, District of Storrington, pending receipt of a report from KFL&A Public Health, and determination of the applicability of MDS.

Carried

Item #12: S-91-10-S (Freeman)

Speaking to the Application: Walt Freeman, Applicant

Discussion

The subject lands are the same as those described in Item 11 above. The Committee will need to decide if MDS should be applied in this case. In addition, no report has been received from Public Health. This proposed lot is, in some ways, more problematic than the one proposed to be created through application S-90-10-S because the dwelling is so close to the farming operation. Further discussions will take place with the applicant.

RESOLUTION: C of A: 11:01:11

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-91-10-S by Walt Freeman to create a 2 acre lot with existing dwelling in concession 9, lot 7/8, Battersea Road, District of Storrington, pending receipt of a report from KFL&A Public Health.

Carried

Item #13: S-92-10-P, S-93-10-P, S-94-10-P (Asselstine)

Speaking to the Application: Scott Asselstine, Applicant

Discussion: The subject lands consist of 106+/- acres with frontage on Boyce and Petworth Roads. The applicant is seeking approval for the creation of three residential lots, each a minimum of 2 acres in size and with a minimum road frontage of 250 ft. on Boyce Road. The applicant recently obtained an official amendment in order to be able to apply for lots beyond the permitted 3 from a parcel that existed on Sept. 5, 2000. The amendment was approved by Council and Municipal Affairs based on the recognition that our official plan and the Provincial Policy Statement encourage development to occur in Settlement Areas. (The previous lots from this property were created off of the Petworth Road side). The new lots will need to be rezoned to Urban Residential – First Density. The public hearing on this rezoning has already been held simultaneously with the hearing on the official plan amendment.

A letter had been received from neighbouring property owners expressing concern about possible impact on their water supply. According to a recent ground water study, this area is not identified as highly sensitive, and the Committee did not feel it necessary to impose additional conditions.

RESOLUTION: C of A: 11:01:02

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-92-10-P by Scott Asselstine, to create a 2+ acre residential lot in concession 7, lot 7, Boyce Road, District of Portland, subject to conditions.

Carried

Application No:	S-92-10-P
Owner:	Scott Asselstine
Location of Property:	Concession VII, Lot 7, Boyce Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot – minimum 2 acres
Date of Hearing:	February 10, 2011

Date of Decision: February 10, 2011

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 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-92-10-P shall be for a 2+ acre lot, with a minimum of 250 ft. of public road frontage.**
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 (as though it were vacant land) 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, and shall provide evidence to the satisfaction of the Township that a well on the severed lot will not adversely affect the wells of existing nearby residences.**
8. **The applicant shall finalize an amendment to the South Frontenac Township Zoning By-law to amend the zoning on the severed lots from Rural to Urban Residential – First Density.**

RESOLUTION: C of A: 11:01:13

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-93-10-P by Scott Asselstine, to create a 2+ acre residential lot in concession 7, lot 7, Boyce Road, District of Portland, subject to conditions.

Carried

Application No:	S-93-10-P
Owner:	Scott Asselstine
Location of Property:	Concession VII, Lot 7, Boyce Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot – minimum 2 acres
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011

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 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-93-10-P shall be for a 2+ acre lot, with a minimum of 250 ft. of public road frontage.
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 (as though it were vacant land) 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, and shall provide evidence to the satisfaction of the Township that a well on the severed lot will not adversely affect the wells of existing nearby residences.
8. The applicant shall finalize an amendment to the South Frontenac Township Zoning By-law to amend the zoning on the severed lots from Rural to Urban Residential – First Density.

RESOLUTION: C of A: 11:01:14

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-94-10-P by Scott Asselstine, to create a 2+ acre residential lot in concession 7, lot 7, Boyce Road, District of Portland, subject to conditions.

Carried

Application No:	S-94-10-P
Owner:	Scott Asselstine
Location of Property:	Concession VII, Lot 7, Boyce Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot – minimum 2 acres
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011

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 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-94-10-P shall be for a 2+ acre lot, with a minimum of 250 ft. of public road frontage.**
- 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 (as though it were vacant land) 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:**

- 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, and shall provide evidence to the satisfaction of the Township that a well on the severed lot will not adversely affect the wells of existing nearby residences.
8. The applicant shall finalize an amendment to the South Frontenac Township Zoning By-law to amend the zoning on the severed lots from Rural to Urban Residential – First Density.

Item #14: S-01-11-B (DeLaat/Welch)

No representative in attendance

Discussion

The subject lands, at 84 Pine Haven Lane, are actually two separate parcels by virtue of being divided by an unopened road allowance. Both parcels are accessed by a right-of-way. The parcel in lot 6 is very small, and this application is for the purpose of severing a parcel of land off of the applicants' property in lot 5 and adding it to the parcel in lot 6. The unopened road allowance lying between the two properties would need to be closed and transferred to the applicants before this lot addition could be finalized, and an application for this purpose is now before Council. A condition has been included which requires that the road closing be completed prior to the stamping of the deed creating the lot addition. In the final analysis, the northerly lot would come much closer to meeting the minimum lot size required in the Township's official plan, and the southern lot, in lot 5, would still be of sufficient size to also meet the OP requirements.

RESOLUTION: C of A: 11:01:15

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-01-11-B by William DeLaat and Carol Welch, to create a lot addition in concession 12, lot 5, Devil Lake, District of Bedford, subject to conditions.

Carried

Application No:	S-01-11-B
Owner:	William DeLaat, Donna Welch
Location of Property:	Concession XII, Lot 5, Pine Haven Lane, Devil Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011

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 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. Consent Application S-01-11-B creates a lot addition to property in lot 6, concession 12, and shall be identified as a lot addition to the aforementioned property in lot 6, on the consent certificate.
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 applicants shall finalize the closing and purchase of the unopened road allowance that divides their properties in lot 5 and lot 6.

Item #15: MV-20-10-B (Ahern)

No representative in attendance

Discussion

The applicant's property consists of approximately .91+/- acres and is developed with a seasonal dwelling, deck and accessory building. The cottage is located 70 ft. from the high water mark of Devil Lake and the deck is 60 ft. from the lake. The applicant wishes to demolish the existing dwelling and deck, and replace it with a larger dwelling, to be located 70 ft. from high water mark (66 ft. to deck). Therefore, although the new structure will be larger, it will not be closer to the water. The applicant is somewhat constrained by the existence of a right-of-way through the property at the rear of the cottage. The Chief Building Official agrees that it would be difficult to move the cottage back further; however, he also points out that it would be difficult, if not impossible, for the new structure to make use of the existing foundation, as indicated on the application. A final decision on the application will need to be deferred because Public Health has indicated that they will not be able to comment on the application until weather conditions allow for a more accurate site inspection.

In addition, because of some confusion about the application, it will be necessary for staff and Committee members to carry out additional site inspections.

RESOLUTION: C of A: 11:01:16

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application S-20-10-B by James & Michele Ahern to permit reconstruction of dwelling within 30m of high water mark, concession 10, lot 8, Devil Lake, District of Bedford, pending receipt of report from Public Health, and further site inspections by staff and Committee members.

Carried

Item #16: MV-22-10-S (Benoit)

Speaking to the Application: Patrick and Diane Benoit, applicants

Discussion

The applicants' property consists of approximately .96 acres, with 182 ft. frontage on Dog Lake, and is accessed by a private lane. The applicants have had survey sketches prepared which indicate the location of the 30 m setback from the high water mark. Even if it were physically possible to locate a dwelling outside all required setbacks, a dwelling located outside the 30m setback would be very close to the dwelling on the neighbouring property to the east. Therefore, the applicants are seeking a variance to permit the construction of the dwelling 75 ft. from the high water mark.

A second variance would be required because the proposed structure exceeds the maximum lot coverage of 5% permitted in the zoning by-law. The proposed dwelling would have a footprint of 5.5+/- %.

The application will need to be deferred because a report from Public Health will not be available until weather permits a detailed site inspection.

RESOLUTION: C of A: 11:01:17

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-22-10-S by Patrick & Diane Benoit, to permit construction of dwelling within 30m of high water mark, concession 9, lot 16, Dog Lake, District of Storrington, pending receipt of report from Public Health.

Carried**Item #17: MV-23-10-B (Andrade)**

Speaking to the Application: Jean McClelland, agent

Discussion

The applicants' property consists of approximately 1.2 acres, with 200 ft. frontage on White Lake, and is accessed by a private lane. The applicants are seeking approval for a variance to permit a 244 sq. ft. addition to an existing seasonal dwelling. The addition will be located 74+ ft. from the high water mark, and will fill in a corner of the house. Public Health and Quinte Conservation have no objections.

RESOLUTION: C of A: 11:01:18

Moved by: W. Robinson

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-23-10-B by Michael & Sandra Andrade, to permit addition to dwelling within 30m of high water mark, concession 3, lot 14, White Lake, District of Bedford, subject to conditions.

Carried

Application No:	MV-23-10-B
Owner:	Sandra & Michael Andrade
Location of Property:	Pt. Lot 14, Concession 3, White Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2, 5.10.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing:	February 10, 2011
Date of Decision:	February 10, 2011

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- The variance is limited to construction of a 244 sq. ft. addition to an existing seasonal dwelling, to be located a minimum of 74 ft. from the high water mark of White Lake.**

2. **Minor variance MV-23-10-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 prior to development on the property within 30m of the high water mark, including docks, or shoreline or in-water works.**

REASON FOR DECISION: The variance has been approved by staff and agencies, and the proposal is considered minor.

Item #18: MV-24-10-L (Baxter)

Speaking to the Application: Jeff Peck, agent

Discussion

The applicant's property consists of approximately 5.2 acres, with 500 ft. frontage on Big Clear Lake, and is accessed by a private lane. The applicants are seeking approval for a variance to permit reconstruction of an existing 262.5 sq. ft. cabin which is located 30 ft. (20 ft. to deck) from the high water mark. The applicant wishes to make use of the same footprint. It is not clear from the application form whether or not it is the applicant's intention to also replace the deck. The applicant has indicated that he has the right to repair and renovate the existing structure provided there is no increase in area or height, but that he prefers the option of removing the existing building and erecting a new structure, using some of the same material, on the existing footprint. On the one hand, there is the argument made by the applicant that it would be much more practical to remove and replace the building than to attempt to renovate and repair it. On the other hand, the structure would not be in existence once it has been removed, and therefore the variance request would be for a new structure 30 ft. from the high water mark on a very large lot which would permit alternative sites. Furthermore, the chief building official has already explained that it would not be possible to "repair and renovate" in the manner that the applicant is proposing and therefore there really is no "option 2". Because Committee members have had difficulty properly examining the site under current weather conditions, it is recommended that a decision on the application be deferred until additional site inspections can be carried out.

RESOLUTION: C of A: 11:01:19

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-24-10-L by Stephanie Baxter Medicine Professional Corp, to permit reconstruction of a cabin within 30m of high water mark, concession 14, lot 23/24, Big Clear Lake, District of Loughborough, to provide an opportunity for Committee members to visit the site under more suitable weather conditions.

Carried

Item #19: MV-25-10-P (Day)

Speaking to the Application: Louise Day, applicant

Discussion

The applicant's property consists of approximately .41 acres, with 98 ft. frontage on Verona Lake, and is accessed by a public road. The applicant is seeking approval for a variance to permit the addition of a 210 sq. ft. solarium, to be built 40 ft. from the high water mark. The addition would bring the dwelling approximately 7 ft. closer to the water than the existing structure. It was unclear from the application that a portion of the solarium would be built over the existing deck, but there will be additional encroachment into the setback. Public Health has no objection but Quinte Conservation recommends denial of the application because the proposed addition is within the 15 metre setback from the 1:100 year flood plain of Verona Lake. If the application were to be approved,

the applicant would need to apply to the Conservation Authority for a permit, and it would appear unlikely that such a permit would be granted. The Chief Building Official has also expressed concern about the application because of the proximity of the proposed development to the water (32 ft. according to his measurements) and the fact that piers for the new construction would be located on a steep slope.

Because of the lack of clarity in the original application, it was agreed that the decision would be deferred until staff could revisit the site, and further discussions could be held with a representative of Quinte Conservation.

RESOLUTION: C of A: 11:01:20

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-25-10-P by Louise Day, to permit addition to dwelling within 30 m of high watermark, concession 11, lot 8, Verona Lake, District of Portland, to provide an opportunity for the applicant to review and discuss the proposed addition with staff and Quinte Conservation.

Carried

Item #20: MV-26-10-S (Sargent)

Speaking to the Application: Mac Gervan, agent

Discussion

The applicants' property consists of approximately 1.95 acres and is developed with two seasonal dwellings. The property is located on an island accessed by a causeway. The applicants are seeking approval for an addition to the bathroom on the west side of the main cottage (40.36 sq. ft.) and the addition of a screened porch on the east side. The porch would be 322.9 sq. ft. and would be located only 37+ ft. from the high water mark. There is also a large amount of decking very close to the water on the existing cottage which was not described in the application. Because of some lack of clarity about the proposal, it was decided that no further discussion would take place until final details were known, and until the Cataraqui Region Conservation Authority had had an opportunity to further review the application.

Item #21: MV-27-10-B (Schneider)

Speaking to the Application: Ron McAdoo, agent

Discussion

The applicant's property consists of approximately 6 acres and is developed with a seasonal dwelling. The dwelling is approximately 2100 sq. ft. in size. The applicant is seeking approval for a large addition (1630 sq. ft.), to include a breezeway, workshop and garage, to be located 50+ ft. from the high water mark. The report from Rideau Valley Conservation is not expected to be received prior to the meeting, and a decision on the application will therefore need to be deferred.

RESOLUTION: C of A: 11:01:21

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-27-10-B by Delia Schneider, to permit addition to dwelling within 30m of high water mark, concession 10, lot 19, Wolfe Lake, District of Bedford, pending receipt of a report from Rideau Valley Conservation, and to allow for additional site inspections.

Carried

Item #21: Other Business

L. Redden requested that an item be placed on the agenda for the next Committee of Adjustment meeting regarding a discussion about instructions given to applicants and the quality of applications, especially in relation to sketches.

Item #22: Adjournment

RESOLUTION: C of A: 11:01:22


Moved by: W. Robinson

Seconded by: L. Redden

THAT the February 10, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:45 p.m. to reconvene on Thursday, March 10, 2011 at 7:00 p.m. or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer