

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 11:02
MARCH 10, 2011**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
Ken Gee (Storrington District)
David Hahn (Bedford District)
Mark Tinlin (Bedford District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland 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: 11:02:01

Moved by: L. York

Seconded by: L. McCullough

THAT the March 10, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Ron Vandewal in the Chair.

Carried

Item #2: Adoption of Agenda

Adopted as circulated

Item #4: Declaration of Pecuniary Interest

None

Item #5: Minutes of February 10, 2011 meeting

RESOLUTION: C of A: 11:02:02

Moved by: L. Redden

Seconded by: W. Robinson

THAT the minutes of the February 10, 2011 meeting of the South Frontenac Township Committee of Adjustment are hereby approved as circulated

Carried**Item #6: S-65-10-L, S-66-10-L (Sramek)**

Speaking to the Application: Richard Paudyn, agent

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 amended her proposal and asked that her applications be for 3 non-waterfront lots, with all of the waterfront being left with the retained parcel. The Committee approved one new lot in 2010, and deferred the other two which are now under consideration. The applicant met with Brian Kirk of the Township Roads Department to determine if there was a suitable location for two new entrances off of Holleford Road, and it has been determined that this is possible although there are very specific potential locations.. In addition, based on earlier discussions with Quinte Conservation, the applicant had a surveyed sketch prepared to indicate building envelopes on each new lot which would meet all required setbacks. These building sites have now been satisfactorily identified.

RESOLUTION: C of A: 11:02:03

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-65-10-L by Zuzana Sramek to create a 30+/- acre lot in concession 12, lots 2,3,4, Holleford Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-65-10-L
Owner:	Zuzana Sramek
Location of Property:	Concession XII, Lot 2,3,4, Holleford Road and Fourteen Island Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of non-waterfront lot
Date of Hearing:	November 11, 2010
Date of Decision:	March 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 (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-65-10-L shall be for a 30+/- acre lot fronting on Holleford Road.**
- 3. The applicant shall provide evidence that the right-of-way over the retained parcel shall continue to exist for all those entitled thereto.**
- 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 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the**

Planning Act, R.S.O. 1990 and amended thereto.

7. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
- The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:
The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The applicant shall 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.

RESOLUTION: C of A: 11:02:04

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-66-10-L by Zuzana Sramek to create a 27+/- acre lot in concession 12, lots 2,3,4, Holleford Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-66-10-L
Owner:	Zuzana Sramek
Location of Property:	Concession XII, Lot 2,3,4, Holleford Road and Fourteen Island Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of non-waterfront lot
Date of Hearing:	November 11, 2010
Date of Decision:	March 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 (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-66-10-L shall be for a 27+/- acre lot fronting on Holleford Road.
3. The applicant shall provide evidence that the right-of-way over the retained parcel shall continue to exist for all those entitled thereto.
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 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
7. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - 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.
8. 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 #6: S-90-10-S (Freeman)

The subject lands consist of 24+/- acres with frontage on Battersea Road and Cedar Lake. The applicant is 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. There would appear to be suitable building locations on this large parcel to keep a residential use an appropriate distance from the farming operation. However, a report is not yet available from Public Health and the application will continue to be deferred until that report has been received.

RESOLUTION: C of A: 11:02:05

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-90-q10-S by Walt Freeman to create an 8+ acre lot in concession 9, lot 7/8, Battersea Road, District of Storrington, pending receipt of a report from Public Health.

Carried

Item #7: S-02-11-L (Sigsworth)

Speaking to the Application: Ken Sigsworth

Discussion

The subject lands consist of 88+/- acres with frontage on Rutledge Road. The applicant has indicated that the proposed eventual use of the 72 acre parcel will be for a subdivision, in which case access might be off of the unopened road allowance that runs along the east side of the property. Until such a process is actually a reality, however, the 72 acre parcel could only be created if it could take its direct access from a fully maintained public road – i.e. Rutledge Road. Because of the distance between existing driveways on an arterial road, and the fact that any new entrance would need to be located in an area where site lines are not good, the Roads Department has indicated that an entrance could not be permitted onto the severed parcel.

RESOLUTION: C of A: 11:02:06

Moved by: M. Tinlin

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby denies consent application S-02-11-L by Kenneth Sigsworth to create a 72+/- acre lot in concession 5, lot 6, Rutledge Road, District of Loughborough, because of the lack of a suitable location for an entrance to the severed lot.

Carried

Item #8: S-03-11-B, S-04-11-B, S-05-11-B, S-06-11-B, S-07-11-B (1394706 Ontario Inc.)

Speaking to the application: W. Crain, applicant

Discussion

The subject lands consist of 123+/- acres (in two parcels) with frontage on Badour Road and Bob's Lake. The applications are for: a) the addition of 4.7+/- acres to a very small waterfront lot. There is already a right-of-way to that lot, and this application would bring the lot into conformity with the official plan; b) an extended right-of-way to access 3 proposed lots on the easterly portion of the applicant's property; c) 3 waterfront lots – 3+ acres each. Because Public Health has been unable to inspect the site due to weather conditions, the applications will need to be deferred. Also, there has been no report to date from Rideau Valley Conservation. However, as of this meeting date, there is no objection from the Chief Building Official, or from Roads (they were asked to comment on the suitability of the access point off of Badour Road to accommodate traffic from three additional dwellings). If the waterfront lots are eventually approved, they will need to be rezoned to Limited Service – Residential Waterfront.

RESOLUTION: C of A: 11:02:07

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-03-11-B, S-04-11-B, S-05-11-B, S-06-11-B and S-07-11-B by 1394706 Ontario Inc, to create a lot addition to a waterfront lot, a right-of-way and three waterfront lots in concession 7, lot 35, Bob's Lake, District of Bedford, pending receipt of all agency reports.

Carried

Item #9: S-08-11-P (Robinson)

Speaking to the Application: Greg Robinson, applicant

Discussion

The subject lands consist of 43.5+/- acres with frontage on Desert Lake Road. The proposed lot would be for residential purposes. No report has been received to date from Public Health.

RESOLUTION: C of A: 11:02:08

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-08-11-P by Greg Robinson to create a residential lot in concession 14, lot 2, Desert Lake Road, District of Portland, pending receipt of a report from KFL&A Public Health.

Carried

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

Speaking to the Application: 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 originally applied for permission 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. This was considered by the Committee and staff to be a relatively large addition close to the water, and the CBO had also indicated that the addition would be within 15m of a slope which is greater than 30%. The applicant submitted a revised application, set further back from the high water mark and further from the top of bank. The Rideau Valley Conservation Authority previously indicated that they believe any addition could be at the rear of the cottage. The applicant is now proposing that the addition will be at the rear, and staff are therefore not opposed.

RESOLUTION: C of A: 11:02:09

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-11-10-B by Charles & Melissa Smith to permit addition to existing dwelling within 30m of the high water mark of Bob's Lake, concession 3, lot 19/20, District of Bedford, subject to conditions.

Carried

Application No:	MV-11-10-B
Owner:	Melissa Smith
Location of Property:	Pt. Lot 19/20, Concession 3, Bob's Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing:	July 8, 2010
Date of Decision:	March 10, 2011
DECISION:	VARIANCE APPROVED, subject to conditions, as amended

CONDITIONS

- The variance is limited to construction of a a 726 sq. ft. single storey addition, to an existing seasonal dwelling to be located a minimum of 75 ft. from the high water mark.**

2. **Minor variance MV-11-10-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 Rideau Valley Conservation for any shoreline or in-water works.**

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 11: 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. There was considerable discussion at the February Committee meeting regarding the practicality of renovating and repairing the existing structure. Since that meeting, the applicant's agent has met with Alan Revill and Lindsay Mills to consider the options, and Alan Revill has also met with the applicant's builder.

L. Mills expressed the opinion that complete removal of the structure would eliminate its non-complying status, and that there are several suitable building sites on the property which would meet the 30m setback requirement.

REASON FOR DECISION: The proposal variance is not in keeping with the intent of the official plan or zoning by-law, and there are several options available on the property to relocate/reconstruct the cabin if it was removed from its present site.

Resolution: C of A: 11:02:10

Moved by: M. Tinlin

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby denies variance application MV-24-10-L by Stephanie Baxter Medicine Professional Corp. to remove and reconstruct a cabin on the same footprint, within 30m of the high water mark of Big Clear Lake, concession 14, lot 23/24, District of Loughborough.

Carried

Item #12: 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 37+ ft. from the high water mark. A condition is included which would prevent the conversion of the screened porch into living space. A variance is also required to increase the height of the existing structure by 5 ft.

RESOLUTION: C of A: 11:02:11

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-26-10-S by Robert & Mary Jean Sargent to permit addition to existing dwelling within 30 m of high water mark of Cranberry Lake, concession 10, lot 29, District of Storrington, subject to conditions.

Carried

Application No:	MV-26-10-S
Owner:	Robert & Mary Jean Sargent
Location of Property:	Pt. Lot 29, Concession 10, Cranberry Lake, District of Storrington, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2, 5.11 & 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:	March 10, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a 322.9 sq. ft. screened porch to be located a minimum of 37 ft. from the high water mark of Cranberry Lake, and a 40.36 sq. ft. addition on the west side of the dwelling, to be located a minimum of 59 ft. from the high water mark. The variance also allows an increase in height of the existing cottage by 5 ft.**
- 2. Minor variance MV-26-10-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
- 3. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
- 4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's environmental and limited service policies, which limits the enclosure of the porch to screens, and which specifies that a permit will be required from Parks Canada – Rideau Canal prior to any shoreline or in-water works, including construction or alteration of docks, and that a permit will be required from the Cataraqui Region Conservation Authority for the development approved through variance application MV-26-10-S.**

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

Item #13: MV-01-11-L (Terrible)

Speaking to the Application: M. Preston, agent, J. Bowes, contractor

Discussion

The applicant's property consists of approximately 10 acres, with 528 ft. frontage on Desert Lake, and is accessed by a private lane. The property is developed with a seasonal dwelling, 850 sq. ft. in size. The applicant was seeking a variance to demolish the existing structure and build a new two-storey dwelling, 81 ft. from the high water mark. Based on the surveyor's sketch, it appears that there is an unopened road allowance on the applicant's property, between lot 6 and lot 7 and that the existing dwelling is located entirely on the road allowance. In addition, the proposed dwelling would be located at least partly on that allowance. The Committee could not grant a variance for someone to build on municipal property. The Committee's decision is to support the application provided that either a) the new dwelling be located a minimum of 5 ft. east of the

unopened road allowance, or b) the application close and purchase the road allowance, in which case the dwelling could be located 81 ft. from the high water mark.

Application No:	MV-01-11-L
Owner:	Susan Torrible
Location of Property:	Pt. Lot 7, Concession 14, Desert Lake, District of Loughborough, 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:	March 10, 2011
Date of Decision:	March 10, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

- The variance is limited to construction of a 1090 sq. ft. two-storey dwelling, and 392 sq. ft. deck, to be located either (a) a minimum of 5 ft. east of the unopened road allowance as indicated on the surveyor's sketch, or (b) a minimum of 81 ft. from the high water mark if the road allowance is closed and deeded to the applicant, to the satisfaction of the municipality.**
- Minor variance MV-01-11-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
- A building permit is required for all demolition and construction on the property.**
- The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's environmental and limited service policies, and requires that a permit be obtained from the Cataraqui Region Conservation Authority prior to the proposed development.**

REASON FOR DECISION: The variance has been approved by staff and agencies, the proposal is considered to be consistent with the intent of the Township's official plan and zoning by-law, and the development appears to be appropriate for the property.

Item #14: Application Requirements

Committee members discussed some concerns about applications –

- **Sketches are not always clear and should not be accepted if they do not contain all the necessary information, and unless they are drawn to scale**
- **Staff should assist applicants as much as possible, but should not complete any portion of the application**
- **Staff should not feel any obligation to bring applications forward if they are not accurately and completely filled out**

Item #15: Application Rebate (Freeman)

Walt Freeman had asked the Committee to consider a refund of his fee for application S-91-10-S on the basis that he would not have applied had he been fully aware of the implications of the farming operation adjacent to the proposed severance. The Committee felt that significant staff time had been expended on processing the application, but agreed to recommend to Council that Mr. Freeman receive a rebate of \$300.

RESOLUTION: C of A: 11:02:13

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby recommends to Council that Walt Freeman receive a rebate of \$300 based on the lack of information available to the applicant prior to the application, related to the applicability of the minimum distance separation policy.

Carried

Item #16: Adjournment

RESOLUTION: C of A: 11:02:13A

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the March 10, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:52 p.m. to reconvene on Thursday, April 14, 2011 at 7:00 p.m. or at the call of the Chair.

Carried



Ron Vandewal, Chair



Lindsay Mills, Secretary-Treasurer