

Item #5: S-48-11-S (Dixon)

Speaking to the application: Wayne Hogan, agent

Discussion

The subject lands front on Moreland-Dixon Road and Inverary Lake, and consist of 72+/- acres, with a single family dwelling and accessory buildings. The proposal is to sever a 2.25+/- acre residential lot at the east end of the property. The Roads Department has no objection provided that the entrance is located at the most westerly side of the lot. This will deal with sight lines as well as separation distances between driveways on an arterial road. The Chief Building Official expressed some concern regarding the small barn located on a nearby property to the east. The applicant has indicated his willingness to reconfigure the lot to ensure that there are two acres outside the MDS arc.

RESOLUTION: C of A: 11:10:03

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-48-11-S by the Estate of Lucille Dixon to create a residential lot in concession 2, lot 22, Moreland-Dixon Road, District of Storrington, subject to conditions.

Carried

Application No:	S-48-11-S
Owner:	Wayne Hogan (for Estate of Lucille Dixon)
Location of Property:	Concession II, Lot 22, Moreland-Dixon Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	November 10, 2011
Date of Decision:	November 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-48-11-S shall be for a 2+acre lot, with a minimum of 250 ft. frontage on Moreland-Dixon Road. The surveyor shall provide confirmation to the municipality that there are two acres of land within the severed lot which lie outside the minimum distance arc from the barn to the east (99m).**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the**

centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 50 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:

- a) The land to be dedicated shall be the width required to provide 50 ft. from the centre of the existing travelled road;
- b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall 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 #6: S-49-11-B (Fitzgerald)

Speaking to the Application: Tom Fitzgerald, Bruce Fitzgerald

Discussion

The subject lands front on Old 13 Island Lake Road and are developed with a single family dwelling, and accessory buildings, including a large barn which the applicant has identified as a storage building. The proposal is to sever off the farm land, to be added to a developed lot at #3 Old 13 Island Lake Road, leaving 2.5+/- acres with the dwelling and two garages. Bruce Fitzgerald indicated that he has used the barn for his business for many years.

RESOLUTION: C of A: 11:10:04

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-49-11-B by Thomas Fitzgerald to create a lot addition in concession 1, lot 4, Old 13 Island Lake Road, District of Bedford, subject to conditions.

Carried

Application No:	S-49-11-B
Owner:	Thomas Fitzgerald
Location of Property:	Concession 1, Lot 4, Old 13 Island Lake Road, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 175+/- acre lot addition
Date of Hearing:	November 10, 2011
Date of Decision:	November 10, 2011

**DECISION: PROVISIONAL CONSENT GRANTED,
subject to conditions**

CONDITIONS:

1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 3 or 4, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.
2. An acceptable reference plan shall be submitted to the Township.
3. The land to be severed by Consent Application S- 49-11-B shall be for a 175+/- acre lot addition only to part 1 on Plan 13R-12684.
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 \$100 in lieu of parkland for each lot addition, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item #7: S-50-11-L (Alton)

Discussion

The subject lands front on Loughborough-Portland Boundary Road and Rutledge Road, and are vacant. The proposal is to create a 3+ acre lot to be rezoned for use as a landscaping/garden centre outlet.

RESOLUTION: C of A: 11:10:05

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-50-11-L by Mark & Sharon Alton, to create a commercial lot in concession 5, lot 1, Loughborough-Portland Boundary Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-50-11-L
Owner:	Mark & Sharon Alton
Location of Property:	Concession 5, Lot 1, Loughborough-Portland Boundary Road/Rutledge Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of 3+ acre garden centre lot
Date of Hearing:	November 10, 2011
Date of Decision:	November 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-50-11-L shall be for a 3+acre lot, with a minimum of 250 ft. frontage on Loughborough-Portland Boundary 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 2% 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 (Boundary 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 Zoning By-law to amend the zoning on the property from Rural to Rural Commercial.**
8. **The entrance to the new lot shall be from Loughborough-Portland Boundary Road, and shall be located a minimum of 180m from the intersection of Boundary Road with Rutledge Road.**

Item #8: S-51-11-P, S-52-11-P, S-53-11-P (Bradshaw)

Speaking to the Application: Herb Benedikt, Sherri Bradshaw

Discussion

The subject lands front on Yarker Road and are developed with a single family dwelling. The applicant is proposing to create three additional residential lots. Public Health has given its approval provided that the septic systems are located in specific areas on the lots, and the Roads Department has also specified the locations of entrances. The chief building official has noted that he does not

believe that there are two acres of land available outside the minimum distance separation from the barn across the road. There appears to be a discrepancy between the applicant's measurements and the CBO's measurements. The latter appear to be borne out by measurements on the Township's aerial mapping. Therefore, it will be necessary for the applicant to provide confirmation that there is a two acre parcel outside the MDS on the lot to be created through application S-53-11-P before the application can be considered by the Committee. There has been concern expressed by one property owner across the road regarding drainage, and a disagreement by another owner regarding the proper calculation of the minimum distance separation.

The CRCA has asked for surveyed confirmation that there is a building envelope on the lot to be created through S-53-11-P which meets all setback requirements from the pond/wetlands at the rear of the property.

RESOLUTION: C of A: 11:10:06

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-51-11-P, S-52-11-P, and S-53-11-P by Sherri Bradshaw to create residential lots in concession 2, lot 11/12, Yarker Road, for the following information to be obtained: 1) confirmation that the lot proposed through application S-53-11-P has a 2-acre parcel outside the minimum distance separation from the barn on the north side of the road; 2) verification of a building envelope on the lot proposed through application S-53-11-P which meets the setback requirements of the Cataraqui Region Conservation Authority; 3) a decision by the applicant as to whether or not the lot lines of the lot proposed through applications S-51-11-P and S-52-11-P need to be adjusted as a result of the above; and 4) verification that separation distances between entrances are being met on a former County Road.

Carried

Item #9: S-54-11-L, S-55-11-L, S-55-11-L (Beck)

Speaking to the Application: Gary Beach, agent, Rob Snetsinger, environmental consultant

Discussion

The subject lands front on North Shore Road and Loughborough Lake. The applicant is proposing to sever three waterfront lots from the property, to be accessed by a new private lane off of North Shore Road. There is a provincially significant wetland on the property and additional marsh areas. An Environmental Impact Assessment has been submitted to address issues related to the wetland, including the proximity (60m) of a portion of the laneway to the wetland. The official plan requires that no site alteration or development can occur within 120m of a PSW without confirmation through an environmental assessment that there will be no harmful effect on the wetland. The EIA provided by the applicant supports the development, and argues that, with mitigating measures, there will be no harmful effects on the wetland. However, comments had not yet been received from the Cataraqui Region Conservation Authority, or from Public Health, and the applications were therefore deferred.

Letters had been received from neighbouring property owners regarding the environmental impact of the development, the lack of adequate sight lines for the access off of North Shore Road, and the importance of viewing the property at various times of the year.

RESOLUTION: C of A: 11:10:07

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-54-11-L, S-55-11-L and S-56-11-L by Margaret Beck to create waterfront lots in concession 6/7, lots 23/24, Loughborough Lake, District of Loughborough, pending completion of the Conservation Authority's review of the Environmental Impact Assessment, and receipt of a report from Public Health.

Carried

Item #10: MV-24-11-B (Goodfellow)

Speaking to the Application: Jeffrey Goodfellow

Discussion

The applicants' property consists of approximately .98 acres and is developed with a seasonal dwelling, 30 ft. from the high water mark. The applicant is proposing to demolish the existing dwelling and replace it a new dwelling to be located 50 ft. from the HWM. The setback from the rear lot line also needs to be varied from 32.8 ft. to 12 ft. This is a very narrow lot, so that it would be impossible to meet all setbacks. The Chief Building Official feels that the best site has been selected, and the Rideau Valley Conservation Authority has no objections provided that measures are put in place to ensure limited run-off into the lake, including buffer planting, and limiting shoreline access to a pedestrian pathway.

KFL&A Public Health has not had sufficient time to review proposals for the septic system and therefore the application was deferred.

RESOLUTION: C of A: 11:10:08

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-24-11-B by Jeffrey Goodfellow to construct a new seasonal dwelling in concession 3, lot 23, Bob's Lake, District of Bedford, pending receipt of a report from Public Health.

Carried**Item #11: MV-25-11-L (Twist)**Discussion

The applicants' property consists of approximately .33 acre and is developed with a single family dwelling. The applicants are proposing to construct a garage 75 ft. from the high water mark of Buck Lake, and 62 ft. from front lot line. The applicants had submitted an application previously to construct a garage but the proposed location was close to a creek and to a hydro line. Therefore, the applicants withdrew their application. They have now submitted an amended application which relocates the garage closer to the north side of the lot in a location that is not within a required setback from the creek and not close to the hydro line.

RESOLUTION: C of A: 11:10:09

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-25-11-L by Terry & Lorraine Twist to construct an accessory building in front yard, and within 30m of the high water mark in concession 14, lot 25, Buck Lake, District of Loughborough, subject to conditions.

Carried

Application No:	MV-25-11-L
Owner:	Terry & Lorraine Twist
Location of Property:	Pt. Lot 25, Concession 14, Perth Road/Buck Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	To vary section 5.24.2 of the Comprehensive Zoning By-law to permit construction of an accessory building closer to the front lot line than the principal building, and 8.3.3 to permit development within 30m of high water mark
Date of Hearing:	November 10, 2011
Date of Decision:	November 10, 2011

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. **The variance is limited to construction of a 20 ft. x 20 ft. single storey accessory building to be located a minimum of 75 ft. from the high water mark and 62 ft. from the front lot line, at the north side of the lot.**
2. **Minor variance MV-25-11-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **The accessory structure recently constructed on the south side of the lot shall be removed prior to issuance of a building permit for the new building.**
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.**

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

Item 12: Adjournment

RESOLUTION: C of A: 11:10:10

Moved by: W. Robinson

Seconded by: L. Redden

THAT the November 10, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:12 p.m. to reconvene at 7:00 p.m. on Thursday, December 8, 2011 or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer