TOWNSHIP OF SOUTH FRONTENAC COMMITTEE OF ADJUSTMENT

MINUTES 14:09 NOVEMEBR 13, 2014

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)

Ron Vandewal (Loughborough District)

Larry Redden (Portland District)
Bill Robinson (Portland District)
Pat Barr (Bedford District)

Len McCullough (Loughborough District)

ABSENT WITH REGRETS: David Hahn (Bedford District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner

Jennie Kapusta – Deputy Secretary Treasurer

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Item # 1: Call to Order

RESOLUTION: C of A: 14:09:01

Moved by: L. McCullough

Seconded by: K. Gee

THAT the November 13, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:01 p.m. with Ron Vandewal in the Chair.

Carried

Item # 2: Adoption of Agenda

Approved as circulated

Item # 3: Declaration of Pecuniary Interest

L. Redden declared pecuniary interest and stepped down from the Committee for application S-75-14-P (Larcon Farms)

Item # 4: Approval of Minutes

RESOLUTION: C of A: 14:08:02

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the September 11, 2014 meeting of the Committee, as circulated.

Carried

<u>Item # 5: S-69-14-L (1324789 Ontario Inc.)</u>

Speaking to the Application: Gary Beach

Discussion:

The subject lands consist of 7.8 +/- acres with 1330 ft. of water frontage on Dog Lake. The applicant has requested to sever two new lots together with a right-of-way. The proposal for Lot 1 is for a 2.6 +/- acre lot with 345 ft. of frontage on Dog Lake. Lot 2 is for a 2.6 +/- acre lot with 400 ft. of frontage on Dog Lake. The applicant has already done improvements to Pine Point Road, bringing it up to the Township's standards for existing lanes. The applicant is also asking for a right-of-way to be created over the lot proposed through S-70-14-S in order to facilitate better waterfront access for a lot created in August 2014 on adjacent land.

RESOLUTION: C of A: 14:09:03

Moved by: P. Barr Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-69-14-L by 1324789 Ontario Inc., to create a new lot, in Concession X, Part Lot 20, Dog Lake, District of Storrington, subject to conditions.

Carried

Application No: S-69-14-S

Owner: 1324789 Ontario Inc. (Beach)

Location of Property: Concession IX, Lot 20, Dog Lake, District of Storrington, Township of

South Frontenac.

Purpose of Application: Creation of two new lots, together with and subject to a right-of-way.

Date of Hearing: November 13, 2014
Date of Decision: November 13, 2014

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to 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 Applications S-69-14-S & S-70-14-S shall be for 2.6 +/- acre lots each with a minimum of 300 ft. of frontage on Dog Lake, together with a right-of-way from Carrying Place Road. The lots to be created through S-69-14-S and S-70-14-S shall be subject to a right-of-way in favour of part four on plan 13R-20958.
- 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 shall be sealed in accordance with the requirements of the Ministry of the Environment and that this work is 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 new lane shall be surveyed and constructed according to the Township's standards for new private lanes. The lane access shall be recognized on the deeds of the lots to be accessed and the property over which it passes. The existing lane will be constructed according to the Township's standards for existing lanes.

- 7. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which deals with the Township's environmental policies, as well as the requirement for the owner to contact the Cataraqui Region Conservation Authority prior to any development on the property, to determine the need for a permit.
- 8. The newly created lots and the retained parcel shall be zoned Limited Service Residential-Waterfront Zone.

<u>Item # 6: S-70-14-S (1324789 Ontario Inc.)</u>

Speaking to the Application: Gary Beach

Discussion:

The subject lands consist of 7.8 +/- acres with 1330 ft. of water frontage on Dog Lake. The applicant has requested to sever two new lots together with a right-of-way. The proposal for Lot 1 is for a 2.6 +/- acre lot with 345 ft. of frontage on Dog Lake. Lot 2 is for a 2.6 +/- acre lot with 400 ft. of frontage on Dog Lake. The applicant has already done improvements to Pine Point Road, bringing it up to the Township's standards for existing lanes. The applicant is also asking for a right-of-way to be created over the lot proposed through S-70-14-S in order to facilitate better waterfront access for a lot created in August 2014 on adjacent land.

RESOLUTION: C of A: 14:09:04

Moved by: B. Robinson Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-70-14-L by 1324789 Ontario Inc., to create a new lot, in Concession X, Part Lot 20, Dog Lake, District of Storrington, subject to conditions.

<u>Carried</u>

Application No: S-70-14-S

Owner: 1324789 Ontario Inc. (Beach)

Location of Property: Concession IX, Lot 20, Dog Lake, District of Storrington, Township of

South Frontenac.

Purpose of Application: Creation of two new lots, together with and subject to a right-of-way.

Date of Hearing: November 13, 2014
Date of Decision: November 13, 2014

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to 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 Applications S-69-14-S & S-70-14-S shall be for 2.6 +/- acre lots each with a minimum of 300 ft. of frontage on Dog Lake, together with a right-of-way from Carrying Place Road. The lots to be created through S-69-14-S and S-70-14-S shall be subject to a right-of-way in favour of part four on plan 13R-20958.
- 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 shall be sealed in accordance with the requirements of the Ministry of the Environment and that this work is 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 new lane shall be surveyed and constructed according to the Township's standards for new private lanes. The lane access shall be recognized on the deeds of the lots to be accessed

and the property over which it passes. The existing lane will be constructed according to the Township's standards for existing lanes.

- 7. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which deals with the Township's environmental policies, as well as the requirement for the owner to contact the Cataraqui Region Conservation Authority prior to any development on the property, to determine the need for a permit.
- 8. The newly created lots and the retained parcel shall be zoned Limited Service Residential-Waterfront Zone.

Item # 7: S-71-14-S (Ball)

Speaking to the Application: Kenneth Ball

Discussion:

The subject lands front on Sunbury Road, in Inverary, and also on Abernathy Road. The application is for the addition onto the north side of a developed lot at 2506 Sunbury Road. There are no sewage disposal systems near the lot addition parcels, and no new entrance required. Therefore reports were not required from Public Health or Roads.

RESOLUTION: C of A: 14:09:05

Moved by: L. Redden Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-71-14-S by Kenneth Ball, to create a new lot, in Concession VII, Lot 10, Sunbury Road, District of Storrington, subject to conditions.

Carried

Application No: S-71-14-S
Owner: Kenneth Ball

Location of Property: Concession VII, Lot 10, Sunbury Road, District of Storrington, Township

of South Frontenac

Purpose of Application: Creation of lot addition
Date of Hearing: November 13, 2014
Date of Decision: November 13, 2014

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to 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.
- 2. The land to be severed by Consent Application S-71-14-S shall be for a 3+ acre lot addition only to 2506 Sunbury 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 \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item # 8: S-75-14-S (Larcon Farms)

Discussion:

The subject lands front on Wilton Road Road, in Harrowsmith, and also on Road 38. The application is for the addition of a 2.6 +/- acre lot onto the southwest side of a developed lot at 3928-3932 Wilton Road. There are no sewage disposal systems near the lot addition parcels, and no new entrance required. Therefore reports were not required from Public Health or Roads.

RESOLUTION: C of A: 14:09:06

Moved by: P. Barr Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-75-14-P by Larcon Farms, to create a new lot, in concession 11, lot 21, Bellrock Road, District of Portland, subject to conditions.

Carried

Application No: S-75-14-S

Owner: Larcon Farms (Larry Redden)

Location of Property: Concession IV, Part Lot 7, Glenvale Indusrial Park, Wilton Road, District

of Storrington, Township of South Frontenac

Purpose of Application:Creation of lot additionDate of Hearing:November 13, 2014Date of Decision:November 13, 2014

DECISION: PROVISIONAL CONSENT BE 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-71-14-S shall be for a 2+/- acre lot addition only to 3928-3932 Wilton Road (RP 13R-8378 Parts 1 to 3).
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
- 6. The applicant shall obtain an amendment to the Township Comprehensive Zoning Bylaw to rezone the lot addition parcel from Urban Residential-First Density to Urban Industrial.

Item # 9: MV-18-14-S (Howland)

Speaking to the Application: Cory Howland

Discussion:

The subject land consists of 0.39 +/- acres with frontage on Dog Lake. The proposal involves the construction of a 30 ft. by 28 ft. 1.5 storey dwelling with walk-out basement and a 24 ft. by 24 ft. garage all within the 30 metre setback from the high water mark of Loughborough Lake and within 5 metres of the right-of-way. The CRCA has no objection and the applicant has obtained a new septic permit from Public Health. There was significant discussion as to whether or not the proposed dwelling and additional garage would be outsized for the lot and in comparison to surrounding buildings. L. Mills did not recommend approval.

RESOLUTION: C of A: 14:09:07

Moved by: K. Gee Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-18-14-S by Michelle & Cory Howland, to permit a new dwelling and garage within 30 metres of the high water mark of Loughborough Lake, District of Storrington, subject to conditions.

<u>Carried</u>

Application No: MV-18-14-S

Owner: Michelle & Cory Howland

Location of Property: Concession VI, Part Lot 25, District of Storrington, Plumb Lane,

Loughborough Lake, Township of South Frontenac

Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law to permit

development within 30 m of the high water mark and section 5.6.1 to

permit development within 5 metres of a right-of-way

Date of Hearing:November 13, 2014Date of Decision:November 13, 2014

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is for the construction of a 30' by 28' 1.5 story dwelling and a 24' by 24' garage to be located a minimum of 60 ft. from the HWM of Loughborough Lake. Maximum one and half storey dwelling with basement permitted. Right-of-way setback shall be a minimum of 11 ft.
- 2. No other structures shall be permitted within the 30m setback from the high water mark.
- 3. Minor variance MV-18-14-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
- 4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
- 5. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental and limited service policies, and which specifies that a permit will be required from the Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 10: MV-19-14-S (Sargent)

Speaking to the Application: Matt Gervin (Agent)

Discussion:

The subject land consists of 1.88 +/- acres with frontage on Cranberry Lake. The proposal involves the construction of an 8.5 ft. by 12.5 ft. bathroom addition within the 30 metre setback from the high water mark of Cranberry Lake. The Rideau Waterway Development Review Team has no objection.

RESOLUTION: C of A: 14:09:08

Moved by: K. Gee Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-19-14-S by Robert & Mary Jean Sargent, to permit an addition to an existing dwelling within 30 metres of the high water mark of Cranberry Lake, District of Storrington, subject to conditions.

Carried

Application No: MV-19-14-S

Owner: Robert & Mary Jean Sargent

Location of Property: Concession X, Part Lot 29, District of Storrington, Trillium Lane,

Cranberry Lake, Township of South Frontenac

Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law to permit

development within 30 m of the high water mark

Date of Hearing:November 13, 2014Date of Decision:November 13, 2014

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is for the construction of an 8.5' by 12.5' bathroom addition to be located a minimum of 74.4 ft. from the HWM of Cranberry Lake.
- 2. No other structures shall be permitted within the 30m setback from the high water mark.
- 3. Minor variance MV-19-14-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
- 4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
- 5. The owner shall contact CRCA to determine the requirement for a permit.

Item # 11: MV-20-14-B (Finlay/Catana)

Discussion:

The subject land consists of 1.16 +/- acres with frontage on Crow Lake. The proposal involves the construction of a 15 ft. by 15 ft. addition, within the 30 metre setback from the high water mark of Crow Lake. Conservation has no objections. Comments were received from Public Health that indicated they had no objections to the application but as there was an error in the address on the initial application the Committee was unable to confirm that Public Health had visited the correct site.

RESOLUTION: C of A: 14:08:09

Moved by: L. McCullough Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers minor variance application MV-20-14-B by Steve Finlay and Sandra Catana, to permit an addition to an existing dwelling within 30 metres of the high water mark of Crow Lake, in Concession V, Part Lot 33 & 34, 295B Alf Patterson Road, District of Bedford.

Carried

Application No: MV-20-14-B

Owner: Steve Finlay & Sandra Catana

Location of Property: Concession V, Part Lot 33 & 34, District of Bedford, Alf Patterson Lane,

Crow Lake, Township of South Frontenac

Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law to permit

development within 30 m of the high water mark

Date of Hearing: November 13, 2014
Date of Decision: November 13, 2014

DECISION: VARIANCE APPROVED, subject to conditions

- 1. The variance is for the construction of a 15' by 15' bathroom addition to be located a minimum of 58 ft. from the high water mark of Crow Lake.
- 2. No other structures shall be permitted within the 30m setback from the high water mark of Crow Lake.
- 3. Minor variance MV-20-14-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

- 4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
- 5. The owner shall contact CRCA to determine the requirement for a permit.

Item # 12: MV-21-14-S (Charette Custom Homes)

Speaking to the Application: Mr. Charette

Discussion:

The subject land consists of 0.98 +/- acres with 190 ft. of frontage on Kahala Court. The proposal involves the construction of a 45 ft. by 30 ft. garage, with a height of 25.5 ft. The by-law does not permit the height of accessory buildings to be greater than 19.16 ft. The proposed structure would be well screened by a rise of land and mature tree coverage so the intent is met. Comments from public health and conservation were not required.

RESOLUTION: C of A: 14:0:10

Moved by: P. Barr Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-21-14-S by Charette Custom Homes, to permit an increase in height of an accessory building to allow a planned storage garage, in Concession VII, Part Lot 31, 1044 Kahala Court, District of Storrington, subject to conditions.

Carried

Application No: MV-21-14-S

Owner: Charette Custom Homes

Location of Property: Concession VIII, Part Lot 31, District of Storrington, Kahala Court,

Township of South Frontenac

Purpose of Application: To vary section 12.3.2 of the Comprehensive Zoning By-law to permit an

increase in accessory building height

Date of Hearing:November 13, 2014Date of Decision:November 13, 2014

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is for the construction of a 45' by 30' garage with a maximum height of 25.5 ft. (storage loft permitted but no living space).
- 2. Minor variance MV-21-14-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.

Item # 13: MV-23-14-S (Kenny)

Speaking to the Application: Douglas Kenny

Discussion:

The subject land consists of 140 +/- acres with frontage on Dog Lake. The proposal involves the construction of a 14 ft. by 34 ft. accessory building within the 30 metre setback from the high water mark of Dog Lake. Comments from public health and conservation were not required.

RESOLUTION: C of A: 14:09:11

Moved by: B. Robinson Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-23-14-S by Douglas Kenny, to permit the construction of an accessory building within

the 30 metre high water mark of Dog Lake, in Concession VII, Part Lot 18, 1744 Sunbury Road, District of Storrington, subject to conditions.

Carried

Application No: MV-23-14-S **Owner:** Douglas Kenny

Location of Property: Concession VIII, Part Lot 18, District of Storrington, Sunbury Road, Dog

Lake Township of South Frontenac

Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law to permit

development within 30 m of the high water mark

Date of Hearing:November 13, 2014Date of Decision:November 13, 2014

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is for the construction of a 14' by 34' accessory building to be located a minimum of 72.2 ft. from the HWM of Dog Lake.
- 2. No other structures shall be permitted within the 30m setback from the high water mark.
- 3. Minor variance MV-23-14-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
- 4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
- 5. The owner shall contact CRCA to determine the requirement for a permit.

Item # 17: Other Business

RESOLUTION: C of A: 14:09:12

Moved by: L. Redden Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby appoints Jennie Kapusta as Deputy Secretary-Treasurer of the Committee.

Carried

Discussion centered on the structure of the Committee going forward with regards to the appointment of the new Township Council.

Item # 18: Adjournment

RESOLUTION: C of A: 14:09:13

Moved by: L. Redden Seconded by: B. Robinson

THAT the November 13, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:43 p.m. to reconvene at 7:00 p.m. on Thursday, December 11, 2014 or at the call of the Chair.

Carried

Ron Vandewal	
Chair	

Lindsay Mills Secretary-Treasurer