

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 13:09
OCTOBER 10, 2013**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Del Stowe (Bedford District)

ABSENT WITH REGRETS: David Hahn (Bedford District)
Larry York (Storrington District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Anne Levac – Assistant Sec’y-Treasurer/Committee Clerk

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 13:09:01

Moved by: D. Stowe

Seconded by: L. Redden

THAT the October 10, 2013 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 #3: Declaration of Pecuniary Interest

None

Item #4: Approval of Minutes

RESOLUTION: C of A: 13:09:02

Moved by: K. Gee

Seconded by: L. McCullough

THAT the minutes of the September 5, 2013 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: MV-16-13-B (Hawley)

Speaking to the Application: Sarah Hawley

Discussion

The subject property is approximately 1/3 acre in size, and is vacant except for a small shed. The applicant originally proposed the construction of a two-storey seasonal dwelling, to be located 73+ ft. from the high water mark of Bob's Lake. The proposal met the 5% lot coverage. The application was deferred because of some concerns about a marsh area and pond near the lot. L. Mills has revisited the site together with the Public Health inspector and the environmental planner from the Rideau Valley Conservation Authority. L. Mills' recommendation is that the building envelope be moved so that the dwelling would be a minimum of 50 ft. from the water/wetlands on 3 sides – the lake, the inland pond/wetland, and an inland creek. The recommended gross floor area (single storey only – not a full basement) would be a maximum of 635 sq. ft. and this would still allow for a small deck within the 5% lot coverage. Committee members agreed to allow a walk-out basement, but no second storey.

RESOLUTION: C of A: 13:09:03

Moved by: D. Stowe

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-16-13-B by Sarah Hawley, concession 3, lot 17, Sneddon Lane, Bob's Lake, District of Bedford, to permit construction of new dwelling within 30m of high water mark, and within 30m of wetland.

Carried

Application No:	MV-16-13-B
Owner:	Sarah Hawley
Location of Property:	Pt. Lot 17, Concession 3, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of water bodies
Date of Hearing:	July 11, 2013
Date of Decision:	October 10, 2013

DECISION: VARIANCE APPROVED, as amended, subject to conditions

CONDITIONS:

- 1. The variance is limited to construction of a new dwelling with a maximum 635 sq. ft. of living space on one storey, a walk-out basement, and total footprint of 720 sq. ft., to be located a minimum of 76 ft. from the high water mark of Bob's Lake, 50 ft. from the wetland to the north of the property, and 50 ft. from the inland creek.**
- 2. No other structures shall be permitted within the 30m setback of the high water mark.**
- 3. Minor variance MV-16-13-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75, as amended, 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 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 services policies, the restriction for a pedestrian access only to the lake, and the requirement for a permit from the Rideau Valley Conservation Authority for the construction of any docks, and shoreline or in-water works.**

REASON FOR DECISION: The variance, as amended, has been approved by staff, there have been no objections from the public, the variance is considered to be in keeping with the intent of the official plan and zoning by-law, and is appropriate for the development of the property.

Item #6: S-39-13-P (McCaldon)

Speaking to the Application: Jane McCaldon

Discussion

The subject lands consist of 35+/- acres and have frontage on Little Deer Lane and Fourteen Island Lake. The property to be enlarged is developed with a single family dwelling and a garage. The garage was inadvertently built partially on the McCaldon property. This application would add sufficient property to 1050 Little Deer Lane to provide the required 3m setback from the lot line.

RESOLUTION: C of A: 13:09:04

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-39-13-P by Joan McCaldon, concession 12, lot 1, Fourteen Island Lake, District of Portland, to create lot addition to property at 1050 Little Deer Lane, subject to conditions.

Carried

Application No:	S-39-13-P
Owner:	Jane McCaldon
Location of Property:	Concession 12, Lot 1, Fourteen Island Lake, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of 1200+/- sq. ft. lot addition
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

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-39-13-P shall be for a 1200+/- acre lot addition to 1059 Little Deer Lane, plan 1938, lot 16. The lot addition shall provide for a minimum 3m setback from the side lot line, to be verified by a surveyor.**
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 lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The zoning on the lot addition parcel shall be amended to correspond with the zoning on the parcel being enlarged.**

Item #7: S-40-13-P (Leonard)

Speaking to the Application: Steven Leonard

Discussion

The subject lands consist of 97+/- acres and have frontage on Petworth and Boyce Roads. The proposal is for the creation of a 2+ acre residential lot with frontage on Petworth Road. The application includes a proposal to retain 150 ft. of road frontage between the severed lot and an existing lot at #3958 Petworth Road. This would allow for access from both ends of the property which is located adjacent to a Settlement Area.

RESOLUTION: C of A: 13:09:05

Moved by: L. Redden

Seconded by: D. Stowe

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-40-13-P by Steven Leonard, concession 7, lot 8, Petworth Road, District of Portland, to create residential lot, subject to conditions.

Carried

Application No:	S-40-13-P
Owner:	Steven Leonard
Location of Property:	Concession 7, Lot 8, Petworth Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

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-40-13-P shall be for a 2+ acre lot, with 250 ft. frontage on Petworth Road.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be 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.
 8. The severed and retained lots shall be responsible for their proportionate share of any expenses related to their inclusion within the Pleasant Valley Drain.

Item #8: S-41-13-S (Bisaillon)

Speaking to the Application: Carol Bisaillon

Discussion

The subject lands consist of 110+/- acres and have frontage on McGarvey and Princess Roads. The proposal is for the creation of a 2+ acre residential lot with frontage on McGarvey Road. The proposed location would permit the necessary setback from nearby mineral aggregate designations, and also from the horse barn on the retained parcel.

RESOLUTION: C of A: 13:09:06

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-41-13-S by Carol Bisaillon, concession 7, lot 36/37, McGarvey Road, District of Storrington, to create residential lot, subject to conditions. subject to conditions.

Carried

Application No:	S-41-13-S
Owner:	Carol Bisaillon
Location of Property:	Concession 7, Lot 8, Petworth Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2003

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-41-13-S shall be for a 2+ acre lot, with 250 ft. frontage on McGarvey Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item #9: S-42-13-P, S-43-13-P (Tousignant)

Speaking to the application: Michael Tousignant

Discussion

The subject lands, which consist of 61+ acres with frontage on Amey Road, are developed with a dwelling and shed. The applications would create two residential lots – 2.6+/- acres and 2.7+/- acres. The lot created through application S-43-13-P will contain the dwelling and the accessory building. This accessory building (barn) will not be useable as a barn once the new lot is created since it will sit on fewer than 3 acres of land.

RESOLUTION: C of A: 13:09:06A

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-42-13-P by Arlene Tousignant, concession 4, lot 1, Amey Road, District of Portland, to create a residential lot, subject to conditions.

Carried

Application No:	S-42-13-P
Owner:	Arlene Tousignant
Location of Property:	Concession 4, Lot 1, Amey Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013
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-42-13-P shall be for a 2.63 acre lot, with a minimum of 250 ft. frontage on Amey Road.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be 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.
8. Brush and trees in the ditch must be removed back to the fence line to the satisfaction of the Roads Department.

RESOLUTION: C of A: 13:09:07

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-43-13-P by Arlene Tousignant, concession 4, lot 1, Amey Road, District of Portland, to create residential lot, with existing dwelling, subject to conditions.

Carried

Application No:	S-43-13-P
Owner:	Arlene Tousignant
Location of Property:	Concession 4, Lot 1, Amey Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot, with existing dwelling
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

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-43-13-P shall be for a 2.7 acre lot, with a minimum of 250 ft. frontage on Amey Road. The deed for the lot created through consent application S-43-13-P must be stamped and registered before, or simultaneously with, the deed for the lot created through consent application S-42-13-P.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be 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 report demonstrating potable water on the severed parcel.
8. Brush and trees in the ditch must be removed back to the fence line to the satisfaction of the Roads Department.

Item #10: S-44-13-S, S-45-13-S (Wilson)

Speaking to the Application: Stephanie Wilson

Discussion

The subject lands, which consist of 8.4+/- acres with frontage on Battersea Road, are located within the Settlement Area of Sunbury. The proposal is for the creation of a two lots of 2.9+/- acres each with 185 +/- ft. road frontage. According to the Township's Official Plan, Road frontage less than 250 ft. can be considered for new lots within the Settlement Areas, but a rezoning would be required to recognize the deficient road frontage. There have been no objections from Roads, the CBO or Public Health. There is a dwelling and barn on the retained parcel. However, because of the size of the parcel and its location within a Settlement Area, no agricultural uses would be permitted. A neighbouring property owner has expressed concern about too much development in the area.

RESOLUTION: C of A: 13:09:08

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-44-13-S by Stephanie Wilson, concession 1, lot 26, Battersea Road, District of Storrington, to create residential lot, subject to conditions.

Carried

Application No:	S-44-13-S
Owner:	Stephanie Wilson
Location of Property:	Concession 1, Lot 26, Battersea Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

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-44-13-S shall be for a 2+ acre lot, with 185 ft. frontage on Battersea Road. There shall be only entrance to the lot (identified and approved by the Roads Department prior to the stamping of the deeds) and all brush must be cut back to the fence line.**
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/or retained lands as the case may be 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.**
8. **The applicant shall obtain an amendment to the Township's Comprehensive Zoning By-law to amend the zoning on the severed and retained parcels to a special UR-1 zone to recognize the deficient road frontages.**

RESOLUTION: C of A: 13:09:09

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-45-13-S by Stephanie Wilson, concession 1, lot 26, Battersea Road, District of Storrington, to create residential lot, subject to conditions.

Carried

Application No:	S-45-13-S
Owner:	Stephanie Wilson
Location of Property:	Concession 1, Lot 26, Battersea Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

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-45-13-S shall be for a 2+ acre lot, with 185 ft. frontage on Battersea Road. There shall be only entrance to the lot (identified and approved by the Roads Department prior to the stamping of the deeds) and all brush must be cut back to the fence line.**
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/or retained lands as the case may be 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.
 8. The applicant shall obtain an amendment to the Township's Comprehensive Zoning By-law to amend the zoning on the severed and retained parcels to a special UR-1 zone to recognize the deficient road frontages.

Item #11: S-46-13-L, S-47-13-L (Oak Roads Trust/Harvie)

Discussion

These are separate applications, but were discussed together because the final property layout is related to both severances. The subject lands belonging to Oak Road Trust #1 consist of 30+/- acres, and are vacant. The proposal is to add 8+/- acres from the Oak Road Trust property onto the Harvie waterfront property. Then, through application S-47-13-L, the proposal is to create a new waterfront lot. Any new waterfront lot would need to be large enough to permit the septic system to be located a minimum of 300 m from the water since this is a highly sensitive part of Loughborough Lake. When Public Health reviewed the application for the new lot, they determined that the septic system on Mrs. Harvie's existing waterfront property would be too close to the proposed new lot line. Therefore, the proposal will be changing, based on discussions with Mrs. Harvie, so that both her property and the new lot will have sufficient depth to be able to place a septic system for the new lot, and a relocated system for the Harvie property, far from the lake.. Before these applications can be dealt with, therefore, it will be necessary for Public Health to review the property further and to comment on the changes. The applications were therefore deferred at this meeting.

RESOLUTION: C of A: 13:09:10

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-46-13-L by Oak Roads Trust No. 1, concession 1, lot 8, Sumac Road, District of Loughborough, to create a lot addition to a waterfront property, pending reconfiguration of lot lines.

Carried

RESOLUTION: C of A: 13:09:11

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-47-13-L by Judy Harvie, concession 1, lot 8, Sumac Road, District of Loughborough, to create a waterfront lot on Loughborough Lake, pending reconfiguration of lot lines.

Carried

Item #12: (MV-28-13-B (Nolan/Galbraith)

Speaking to the Application: Chris Nolan

Discussion

This is a .47 acre property bounded by Bob's Lake and an inland wetland. The proposal involves removing an existing seasonal dwelling and replacing it with a new dwelling to be located 50 ft.

from the high water mark of the lake and 50 ft. from the wetland. The footprint fits within the 5% permitted lot coverage. There will also be a variance required to reduce the setback from the rear lot line by 4 ft. The proposed dwelling will have a footprint of 976.56 sq. ft., a partial second storey with maximum living space of 150 sq. ft., and a basement under half of the dwelling – i.e. 488 sq. ft. L. Mills recommended that the basement height be limited to 6 ft. so that it would not constitute additional living space. However, Bedford representative, Del Stowe, felt that such a 6 ft. high basement would not be useful, and he supported a full height basement, under half of the structure.

RESOLUTION: C of A: 13:09:12

Moved by: D. Stowe

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-28-13-B by Chris Nolan & Lindsay Galbraith, concession 3, lot 18, Bob's Lake, District of Bedford, to permit construction of new dwelling within 30m of high water mark and within 30m of inland wetland, subject to conditions.

Carried

Application No:	MV-28-13-B
Owner:	Chris Nolan, Lindsay Galbraith
Location of Property:	Pt. Lot 10, Concession 3, Devine Lane, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of highwater mark, and within 10 of rear lot line
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

- 1. The variance is limited to construction of a new dwelling with a footprint of 976.56 sq. ft., a second storey with maximum living area of 150 sq. ft., and a basement – 488 sq. ft. at 8 ft, height, and 488 sq. ft. crawl space.**
- 2. No other structures shall be permitted within the 30m setback of the high water mark. The existing dwelling on the property shall be demolished prior to the issuance of a building permit for a new structure.**
- 3. Minor variance MV-28-13-B 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 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 services policies, the requirement for a permit from the Rideau Valley Conservation Authority for the construction of any docks, and shoreline or in-water works, and the revegetation of the property between the new dwelling and the shoreline.**

REASON FOR DECISION: The variance has been approved by staff, there have been no objections from the public, the variance is considered to be in keeping with the intent of the official plan and zoning by-law, and is appropriate for the development of the property.

Item #13: MV-29-13-B (Moskal)

Speaking to the Application: Bob Moskal

Discussion

This is a 4 acre subdivision lot on Oak Bluffs Road, Bob's Lake. The owners are proposing to develop the property with a single family dwelling and garage. They are asking for approval to build the garage 144 m from the front lot line (road) while the house is to be built at 158.79 m

from the front lot line. The Township's zoning by-law requires that all detached accessory buildings be no closer to the front lot line than the principal building. The application also included a variance request for the garage to be 27.89 ft. (2 storeys) vs the permitted 19.7 ft.

RESOLUTION: C of A: 13:09:13

Moved by: D. Stowe

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-29-13-B by Bob & Lori Moskal, concession 6, lot 33, Bob's Lake, District of Bedford, to permit construction of accessory building in front yard and at a height greater than the permitted 19.7 ft., subject to conditions.

Carried

Application No:	MV-29-13-B
Owner:	Bob & Lori Moskal
Location of Property:	Pt. Lot 3, Concession 6, Oak Bluffs Road, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.24.2 and section 12.3.2 of the Comprehensive Zoning By-law to permit an accessory building in the front yard, and with height greater than 19.7 ft.
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

- 1. The variance is limited to construction of a two-storey accessory building with a footprint of 1456 sq. ft., to be located a minimum of 144 m from front lot line. No living space is permitted on the second storey of the accessory building.**
- 2. Minor variance MV-29-13-B 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 on the property without approval from the Township of South Frontenac.**

REASON FOR DECISION: The variance has been approved by staff, there have been no objections from the public, the variance is considered to be minor and in keeping with the intent of the official plan and zoning by-law, and is appropriate for the development of the property.

Item #14: MV-30-13-S (Dillman)

Speaking to the Application: Dennis Dillman, Tony Blackett

Discussion

This is a .58 acre property fronting on Loughborough Lake, and with a rear lot line on a privately maintained lane. There is also a right-of-way running through the property. The applicants are seeking approval to raise the building by 4 ft. to accommodate repairs to the foundation and a walk-out basement. A variance is also required to permit living space below grade within the 30m setback, and for the construction of a garage within 5m of the right-of-way that runs through the property. The existing dwelling is set back 90 ft. from the HWM, although there is a very large deck on the water side. Since the property is located within a provincially significant wetland, it is subject to the requirements of the official plan and zoning by-law which require an environmental impact assessment in these cases. An assessment was carried out, and supports the application, but subject to restrictions.

A neighbouring property owner, Alfred Lunman, noted that the Dillman house is very close to his property line, and that he is concerned about run-off onto his property, impact on his well, and possible destruction of trees along the property line. Mr. Blackett pointed out that drainage would be constructed so as to ensure no run-off toward the neighbour's property. A site plan agreement will include restrictions on development, including no negative impact on the neighbour's trees.

RESOLUTION: C of A: 13:09:14

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-30-13-S by Cathy & Dennis Dillman, concession 7, lot 12, Loughborough Lake, District of Storrington, to permit increased height of existing dwelling located within 30m of high water mark and within a provincially significant wetland, and to permit accessory building within a wetland and within 5m of a right-of-way, subject to conditions.

Carried

Application No:	MV-30-13-S
Owner:	Cathy & Dennis Dillman
Location of Property:	Pt. Lot 7, Concession 12, Lake Head Road, District of Storrington, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark, section 5.10.2 to permit increase in height and addition of living space below grade, and section 5.6.1 to permit development within 5m of a right-of-way
Date of Hearing:	October 10, 2013
Date of Decision:	October 10, 2013

DECISION: **VARIANCE APPROVED, as amended, subject to conditions**

CONDITIONS:

- 1. The variance is limited to an increased height of the existing dwelling by a maximum of 4 ft., and excavation to permit the development of a walk-out basement and the construction of a 768 sq. ft. single storey garage 3 m from the right-of-way which crosses the applicants' property.**
- 2. No other structures shall be permitted within the 30m setback of the high water mark, or within 5 m of the right-of-way.**
- 3. Minor variance MV-30-13-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75, as amended, 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 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 services policies, and the requirement for a permit from the Cataraqui Region Conservation Authority for all development on the property, including the construction of any docks, and shoreline or in-water works. The agreement will also include the requirement that: a filter cloth barrier be installed down gradient from the building envelope in the lawn area next to the lake, the bottom of the cloth to be covered with clean sand held in place to trap any material eroded during the construction period; all fill and rock material removed as a result of any digging must be completely removed from the site and not stored even temporarily on site, eaves shall be directed away from the property to the east of the subject property, and care shall be taken to ensure that no trees on the neighbouring property are damaged. If such damage should occur during construction, replacement trees shall be provided by the applicants.**

REASON FOR DECISION: The variance has been approved by staff, the variance is considered to be in keeping with the intent of the official plan and zoning by-law, and is supported through a preliminary environmental impact assessment.

Item #15: Adjournment

RESOLUTION: C of A: 13:09:13

Moved by: L. McCullough

Seconded by: K. Gee

THAT the October 10, 2013 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:55 p.m. to reconvene at 7:00 p.m. on Thursday, November 14, 2013, or at the call of the Chair.

Carried

Ron Vandewal
Chair

Lindsay Mills
Secretary-Treasurer