

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE  
MINUTES 13:08  
SEPTEMBER 5, 2013**

**LOCATION:** South Frontenac Municipal Offices, Sydenham

**IN ATTENDANCE:** Ken Gee (Storrington District)  
Larry York (Storrington District)  
Ron Vandewal (Loughborough District)  
Len McCullough (Loughborough District)  
Larry Redden (Portland District)  
Bill Robinson (Portland District)  
David Hahn (Bedford District)  
Del Stowe (Bedford 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: 13:08:01

Moved by: W. Robinson

Seconded by: L. Redden

**THAT the September 5, 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: 13:08:02

Moved by: D. Hahn

Seconded by: D. Stowe

**THAT the minutes of the August 8, 2013 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.**

Carried

**Item #5: MV-25-12-S (MacRae)**

Speaking to the Application: Brad MacRae, Terry MacRae

Discussion

The applicant’s property is .53 of an acre in size and is developed with a dwelling, garage and shed. Lot coverage of the dwelling is approximately 500 sq. ft. over the 5% permitted amount, but has been deferred in order to clarify the applicant’s proposal. Mr. MacRae has verified that he proposes to remove a portion of the dwelling closest to the lake, and add an equal sized structure to the side of the dwelling. In other words, the total footprint would not be enlarged, and part of the dwelling would be further from the lake than at present. The second part of the proposal is to raise the entire structure approximately 4 ft. and to construct a full basement. This would not increase the footprint but would increase the useable space. CRCA has no objection. There were concerns expressed about the increased height and the additional living space that would result from a full basement. The decision was made to permit a maximum increase in height of 4 ft., and any additional basement space would need to be accommodated by digging down.

**RESOLUTION: C of A: 13:08 :03**

Moved by: K. Gee

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-25-12-S by Brad MacRae to demolish a portion of an existing dwelling, and to construct an addition of equivalent size, within 30m of the high water mark of Loughborough Lake, and with a maximum increase in height of 4 ft., concession 10, lot 2, District of Storrington, subject to conditions.**

Carried

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<b>Application No:</b>	MV-25-12-S
<b>Owner:</b>	<b>Brad MacRae</b>
<b>Location of Property:</b>	Pt. Lot 2, Concession 10, Loughborough Lake, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
<b>Date of Hearing:</b>	February 14, 2013
<b>Date of Decision:</b>	September 5, 2013

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

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CONDITIONS

1. **The variance is limited to removal of a portion of the existing dwelling at the front (lake side) and constructing an addition of equal square footage to the west side of the dwelling. No demolition of any part of the existing dwelling shall occur until the Building Department has confirmed the size of the portion being removed.**
2. **The maximum increase in height of the dwelling shall be 4 ft.**
3. **No other structures shall be permitted within the 30m setback of the high water mark.**
4. **Minor variance MV-25-12-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
5. **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.**
6. **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 the proposed development and for the construction of any docks, and shoreline or in-water works.**

**REASON FOR DECISION:** The variance is considered minor, and is in keeping with the intent of the official plan and zoning by-law. The resulting dwelling will be further from the lake than the existing dwelling.

**Item #6: (Fullerton)**

Speaking to the Application: David Fraser

Discussion

The applicants' property is a 2.4 acre island in Loughborough Lake, and is developed with a single family dwelling, boat house and storage building. The original proposal was for a 10+ ft. wide deck to be constructed along the water side of the dwelling. Following concerns expressed by the CRCA and Township staff, the applicant prepared a revised drawing. This came to the August Committee meeting but Storrington District Committee members asked for more time to revisit the site. The CRCA is prepared to support the revised proposal which would result in the addition of a deck with a minimum setback from the high water mark of 40 ft., and which would extend 6 ft. beyond the end of the cottage on one end, and 8 ft. beyond the end of the cottage on the other end. A revised sketch will be filed with the decision. The Storrington Committee members have revisited the site and appear satisfied with the current proposal.

**RESOLUTION: C of A: 13:08:04**

Moved by: L. York

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-15-12-S by James & Susan Fullerton, to add a deck to an existing dwelling within 30m of the high water mark of Loughborough Lake, concession 10, lot 8, District of Storrington, subject to conditons.**

Carried

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<b>Application No:</b>	MV-15-12-S
<b>Owner:</b>	Susan & James Fullerton
<b>Location of Property:</b>	Pt. Lot 8, Concession 10, Garden Island, Loughborough Lake, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
<b>Date of Hearing:</b>	October 11.2012
<b>Date of Decision:</b>	September 5, 2013

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

**CONDITIONS**

- 1. The variance is limited to the construction of a deck, a maximum of 59 ft. in length to be located a minimum of 40 ft. from the high water mark, as amended, as indicated on the attached July 2013 sketch.**
- 2. No other structures shall be permitted within the 30m setback from the high water mark.**
- 3. Minor variance MV-15-12-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 policies, and which**

**requires that a permit be obtained from CRCA prior to any development on the property, including docks and shoreline work.**

**REASON FOR DECISION:** The variance is considered minor, and provides safe access to the front of the cottage.

**Item #7: MV-22-13-B (Kehoe)**

Speaking to the Application: Derrick Kehoe

Discussion

The subject property is 13.5 acres in size and is vacant. The applicants are proposing to construct a single family dwelling on the property. The setback from the high water mark is not an issue; however, the proposed dwelling would encroach significantly into the 15m required setback from top of bank. Although the property is large, there are a number of constraints, including a right-of-way, an unopened road allowance, etc. The applicants were asked to provide a slope stability study. It had not been received prior to the August meeting but is now available and supports the application.

D. Hahn questioned whether or not the structure is set back 30m from the high water mark. L. Mills believes that the water setback is not an issue.

**RESOLUTION: C of A: 13:08:05**

Moved by: D. Stowe

Seconded by: D. Hahn

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-22-13-B by Derrick and Susan Kehoe, to construct a new dwelling within 15m of top of bank, concession 3, part lot ¾, District of Bedford, subject to conditions.**

Carried

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<b>Application No:</b>	MV-22-13-B
<b>Owner:</b>	<b>Derrick &amp; Susan Kehoe</b>
<b>Location of Property:</b>	Pt. Lot 4/5, Concession 3, Thirty Island Lake, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 5.8.2 (2) of the Comprehensive Zoning By-law to permit construction of dwelling within 15m of top of bank
<b>Date of Hearing:</b>	August 8, 2013
<b>Date of Decision:</b>	September 5, 2013

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

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**CONDITIONS**

- 1. The variance is limited to construction of a new 1575 sq. ft. single storey dwelling, with walk-out basement, to encroach into the required top of bank setback as shown on the sketch dated June 28, 2013.**
- 2. No structures shall be permitted within the 30m setback of the high water mark, and no additional structures shall be permitted within 15m of top of bank.**
- 3. Minor variance MV-22-12-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, and the requirement for a permit from the Quinte Conservation Authority for the construction of any docks, and shoreline or in-water works.**

**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 suitable for the development of the property.

**Item #8: MV-23-13-S (Desrochers)**

Speaking to the Application: Adam Jerebic, agent

Discussion

This 3.4 acre residential lot is located on Ramparts Road in Storrington District. The applicant is seeking a variance to allow a decrease in the setback from an inland creek - 23m vs 30m, and from the front lot line – 13.27m vs 20m. The application was deferred at the August meeting pending receipt of a report from CRCA. This report is now available and is positive.

**RESOLUTION:** C of A: 13:08:06

Moved by: K. Gee

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-23-13-S by George Desrochers, to construct a new dwelling within 20m of front lot line, and within 30m of a creek, concession 10, part lot 13, District of Storrington, subject to conditions.**

Carried

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<b>Application No:</b>	MV-23-13-S
<b>Owner:</b>	<b>George Desrochers</b>
<b>Location of Property:</b>	Pt. Lot 13, Concession 10, Ramparts Road, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 7.3.2 of the Comprehensive Zoning By-law to permit development within 30m of water body, and within 20m of front lot line
<b>Date of Hearing:</b>	August 8, 2013
<b>Date of Decision:</b>	September 5, 2013

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

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**CONDITIONS**

1. The variance is limited to the construction of a single storey dwelling as per the plan dated 8 July, 2013, to be located a minimum of 23m from the creek, and a minimum of 13.27m from the front lot line.
2. No other structures shall be permitted within the 30m setback from the high water mark or within the 20m setback from the front lot line.
3. Minor variance MV-23-13-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 on the property without approval from the Township of South Frontenac.
5. A permit will be required from the Cataraqui Region Conservation Authority prior to any development on the property.

**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 suitable for the development of the property.

**Item #9: S-37-13-L (Babcook)**

Speaking to the application: Tom MacDonald, agent

Discussion

The subject property consists of 85+/- acres fronting on Bell and New Morin Roads, and on Knowlton Lake. The purpose of the application is to add a small piece of property to the residential lot at #5302 New Morin Road (Clow) to fully incorporate the sewage disposal system of the Clow residence. Public Health supports the application but has indicated that if a replacement system is ever needed, it would likely need to be located on lower land on the south side of the lot.

**RESOLUTION: C of A: 13:08:07**

Moved by: L. McCullough

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-37-13-L by Irwin & Geraldine Babcook, to create a lot addition to property in concession 8, lot 1, District of Loughborough, subject to conditions.**

Carried

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<b>Application No:</b>	S-37-13-L
<b>Owner:</b>	Irwin & Geraldine Babcook
<b>Location of Property:</b>	Concession 8, Lot 1, District of Loughborough
<b>Purpose of Application:</b>	Creation of lot addition
<b>Date of Hearing:</b>	September 5, 2013
<b>Date of Decision:</b>	September 5, 2013

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

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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-37-13-L shall be for a 552 +/- sq. m +/- lot addition only to 5302 New Morin Road Road, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act. The applicant's solicitor shall provide verification that the transferee's property and the lot addition cannot be sold or transferred independently of each other.**
- 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 #10: S-38-13-B (Holldobler Forsyth)**

Speaking to the Application: Raleigh Robertson

Discussion

The subject lands consist of 120+/- acres and have frontage on Opinicon Road. The proposed lot will include the existing dwelling. Health has no objection, and Roads has indicated that a new entrance onto the retained parcel is possible, although there will be limitations on the location.

**RESOLUTION: C of A: 13:08:08**

Moved by: D. Stowe

Seconded by: D. Hahn

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-38-13-B by Turid Holldobler Forsyth, to create a residential lot with existing dwelling in concession 125/16, part lots 1 & 2, District of Bedford, subject to conditions.**

Carried


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<b>Application No:</b>	S-38-13-B
<b>Owner:</b>	Turid Holldobler Forsyth
<b>Location of Property:</b>	Concession 15/16, Lot 1/2, Opinicon Road, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of 9.8+/- acre residential lot with existing dwelling
<b>Date of Hearing:</b>	September 5, 2013
<b>Date of Decision:</b>	September 5, 2013

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

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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-38-13-B shall be for a 9.8 +/- acre lot with dwelling. 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.)**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel (as though it were vacant) 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 report demonstrating potable water on the severed parcel.

**Item #11: MV-24-13-S (Snow)**

Speaking to the Application: Jeff & Debbie Snow

Discussion

The subject property is approximately 2.25 acres in size, and fronts on Cashman Lane and Loughborough Lake. It is developed with a single family dwelling. The application is for a variance to permit construction of an accessory building with a height of 24 ft. vs the permitted 19.7 ft. A partial second storey is to be used for storage. No objections were received from Committee members or the public.

**RESOLUTION: C of A: 13:08:09**

Moved by: K. Gee

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-24-13-S by Jeff & Debbie Snow, to permit construction of accessory building in excess of the permitted 19.7 ft. height in concession 11, part lot 10, District of Storrington, subject to conditions.**

Carried

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<b>Application No:</b>	MV-24-13-S
<b>Owner:</b>	<b>Jeff &amp; Debbie Snow</b>
<b>Location of Property:</b>	Pt. Lot 10, Concession 11, Cashman Lane, District of Storrington, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.2 of the Comprehensive Zoning By-law to permit construction of accessory over permitted height of 19.7 ft.
<b>Date of Hearing:</b>	September 5, 2013
<b>Date of Decision:</b>	September 5, 2013

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

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CONDITIONS

1. The variance is limited to the construction of a 900 sq. ft. one and a half storey garage, with a maximum height of 24 ft., as per sketch dated August 8, 2013, to be located no closer to the front lot line (lake side) than the existing dwelling.
2. Minor variance MV-24-13-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 on the property without approval from the Township of South Frontenac.



**REASON FOR DECISION:** The variance is considered minor, and is in keeping with the intent of the official plan and zoning by-law.

**Item #12: MV-25-13-S (Hambleton)**

Speaking to the Application: John Hambleton, Bob Peters

Discussion

This is a 10+/- acre parcel with frontage on Cranberry Lake, and accessed by a private lane. The lane runs through the property at approximately 220 ft. from the lake. The property is developed with a single family dwelling and three accessory buildings. The dwelling is located 40 ft. (slightly less than that according to the Rideau Waterway Development Review Team) from the high water mark, and the proposal is to demolish the existing 1088 sq. ft. dwelling and replace it with a larger dwelling which is also proposed to have a walk-out basement) to be located 57.5 ft. from the lake. The CBO and CRCA have indicated that they believe it is possible for the new dwelling to be moved back to meet the required setback. L. Mills indicated that he would support a 90 ft. setback, from the high water mark to any part of the dwelling, including deck. The RWRT recommends denial of the application on that basis. Public Health has no objection to the setback proposed from the current sewage disposal system. However, they have confirmed to staff that a review of the current septic system at the time of the building permit process may result in the requirement for an upgrade.

K. Gee indicated that he believed there was room to move the dwelling back.

Mr. Peters pointed out that the proposal has had approval from Inspec-Sol, and Trought Engineering, and that the proposed location improves the overall property and would be in keeping with other development in that area.

Committee members questioned whether or not a 57.5 ft. setback would be viewed favourably if the property was vacant. The owner, Mr. Hambleton, stated that he would not consider moving the new dwelling further back.

It was pointed out to the applicant and his agent that, because the Rideau Waterfront Development Review Team did not support the application, there was a strong possibility that the required permit from them would not be forthcoming if the dwelling was to be located so close to the water.

Committee members wished to defer the application to provide other members with an opportunity to view the site.

**RESOLUTION: C of A: 13:08:10**

Moved by: L. York

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-25-13-S by John Hambleton, to permit construction of dwelling within 30m of high water mark of Cranberry Lake, concession 11, part lot 34, District of Storrington, pending additional site visits.**

Carried

**Item #13: Adjournment**

**RESOLUTION: C of A: 13:08:13**

Moved by: L. McCullough

Seconded by: K. Gee

**THAT the September 5, 2013 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:20 p.m. to reconvene at 7:00 p.m. on Thursday, October 10, 2013, or at the call of the Chair.**

Carried

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Ron Vandewal  
Chair

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Lindsay Mills  
Secretary-Treasurer

