

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT**

**MINUTES 15:06
JULY 9, 2015**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Mark Schjerning (Loughborough District-C)
Ron Sleeth (Storrington District-C)
Pat Barr (Bedford District-C)
Bill Robinson (Portland District-C)
Larry Redden (Portland District)
David Hahn (Bedford District)

ABSENT WITH REGRETS: John Sherbino (Loughborough 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: 15:06:01

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the June 11, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:10 p.m. with Larry Redden in the Chair.

Carried

Item # 2: Adoption of Agenda

Approved as circulated

Item # 3: Declaration of Pecuniary Interest

None declared.

Item # 4: Approval of Minutes

RESOLUTION: C of A: 15:06:02

Moved by: K. Gee

Seconded by: M. Schjerner

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the May 14, 2015 meeting of the Committee, as circulated.

Carried

Item # 5: S-02-15-B (Tucker)

Speaking to the Application: None

Discussion:

This application was originally brought to the Committee in February 2015 but was deferred until comments from Public Health and Conservation were received.

The subject lands consist of 60,700 +/- sq. metres (15 acres) with 591 m. frontage on Bob’s Lake. The applicant has requested to sever two new waterfront lots. The proposal for Lot 1 is for a 23,000 +/- sq. metre (5.7 acre) lot with 91 m. of frontage on Bob’s Lake. The proposal for Lot 2 is for a 19,000+/- sq. metre (4.7 acre) lot with 91 m. of frontage on Bob’s Lake. Conservation, Public Health and CBO have requested deferral of the application until such time a full inspection of the subject property can be made.

Public Health has no objections. Conservation has no objections to the proposal as the lots are outside the required 120m setback from the significant wetland Michaels Creek Marsh. They did note that should there be any notable alteration to the access road (Dewitt Lane) within 120m of the wetland, or on the retained lands, an Environmental Impact Study would be required prior to construction as per the Provincial Policy Statement. Additionally, written permission from the RVCA is required for any development activity in or within 120m of the wetlands.

When the CBO visited the site it was found that an undersized structure had been constructed on the property without any building permits and within the 30m setback from the high water mark. A condition of the consent stating this situation needs to be rectified prior to finalising the consent applications shall be added to the decision for application S-02-15-B.

RESOLUTION: C of A: 15:06:03

Moved by: P. Barr

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-02-15-B by Trevor Tucker, to create a new waterfront lot, in Concession 7, Part Lots 27 & 28, Dewitt Lane, District of Bedford, subject to conditions.

Carried

Application No:	S-02-15-B
Owner:	Trevor Tucker
Location of Property:	Concession VII, Part Lots 27 & 28, Bobs Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of a new lot
Date of Hearing:	February 12, 2015
Date of Decision:	July 9, 2015

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-02-15-B shall be for 23,000 +/- sq. metre (5.7 acre) lot with a minimum of 91 m. of frontage on Bob’s Lake and a minimum of 76 m. frontage on Dewitt Lane.
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 existing Dewitt Lane will be constructed according to the Township’s standards for existing lanes all the way back to Dewitt Road. The lane access shall be recognized on the deeds of the lots to be accessed and the property over which it passes.
- 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 Rideau Valley Conservation Authority prior to any development on the property, to determine the need for a permit.
- 8. Xxxx xxxxx condition regarding illegal building

Item # 6: S-03-15-B (Tucker)

Speaking to the Application: None

Discussion:

This application was originally brought to the Committee in February 2015 but was deferred until comments from Public Health and Conservation were received.

The subject lands consist of 60,700 +/- sq. metres (15 acres) with 591 m. frontage on Bob’s Lake. The applicant has requested to sever two new waterfront lots. The proposal for Lot 1 is for a 23,000 +/- sq. metre (5.7 acre) lot with 91 m. of frontage on Bob’s Lake. The proposal for Lot 2 is for a 19,000+/- sq. metre (4.7 acre) lot with 91 m. of frontage on Bob’s Lake. Conservation, Public Health and CBO have requested deferral of the application until such time a full inspection of the subject property can be made.

Public Health has no objections. Conservation has no objections to the proposal as the lots are outside the required 120m setback from the significant wetland Michaels Creek Marsh. They did note that should there be any notable alteration to the access road (Dewitt Lane) within 120m of the wetland, or on the retained lands, an Environmental Impact Study would be required prior to construction as per the Provincial Policy Statement. Additionally, written permission from the RVCA is required for any development activity in or within 120m of the wetlands.

When the CBO visited the site it was found that an undersized structure had been constructed on the property without any building permits and within the 30m setback from the high water mark.

RESOLUTION: C of A: 15:06:04

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-03-15-B by Trevor Tucker, to create a new waterfront lot, in Concession 7, Part Lots 27 & 28, Dewitt Lane, District of Bedford, subject to conditions.

Carried

Application No:	S-03-15-B
Owner:	Trevor Tucker
Location of Property:	Concession VII, Part Lots 27 & 28, Bobs Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of a new lot
Date of Hearing:	February 12, 2015
Date of Decision:	July 9, 2015

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.
- 9. The land to be severed by Consent Application S-03-15-B shall be for a 19,000+/- sq. metre (4.7 acre) lot with a minimum of 91 m. of frontage on Bob’s Lake and a minimum of 76 m. frontage on Dewitt Lane.
- 2. 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. 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.
4. 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.
5. The existing Dewitt Lane will be constructed according to the Township's standards for existing lanes all the way back to Dewitt Road. The lane access shall be recognized on the deeds of the lots to be accessed and the property over which it passes.
6. 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 Rideau Valley Conservation Authority prior to any development on the property, to determine the need for a permit.

Item # 7: S-24-15-P (Stewart)

Speaking to the Application: Mary & James Stewart

Discussion:

This item was originally brought to the Committee in June 2015 but was deferred awaiting comments from the Roads Department.

The subject lands consist of 29 +/- hectares (71.5 acres) with 195 m. frontage on VanLuven Road. The applicant has requested to sever two residential lots. The proposal is for two 2.8 +/- acre lots each with 97 m. of frontage on VanLuven Road. Public Health has no objections. Comments from Conservation were not required. The grade of the road along the frontage of the proposed lots is significant.

Comments from Roads have been received and while there are limitations on entrance locations given the topography there are appropriate entrances for both proposed severances.

RESOLUTION: C of A: 15:06:05

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-24-15-P by Mary & James Stewart, to create a new lot, in Concession VII, Part Lot 2, VanLuven Road, District of Portland, subject to conditions.

Carried

Application No:	S-24-15-P
Owner:	Mary & James Stewart
Location of Property:	Concession VII, Part Lot 2, VanLuven Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of a new residential lot
Date of Hearing:	June 11, 2015
Date of Decision:	July 9, 2015

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-24-14-L shall be for a 2.8 +/- acre lot with a minimum of 97 m. frontage on VanLuven 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 lands 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:
 - i. *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, 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 potable water pumping capacity of 3.5 gallons per minute sustained over a six-hour pump test for each of the lots severed by Consent Applications S-24-15-P and S-25-15-P.

Item # 8: S-25-15-P (Stewart)

Speaking to the Application: Mary & James Stewart

Discussion:

This item was originally brought to the Committee in June 2015 but was deferred awaiting comments from the Roads Department.

The subject lands consist of 29 +/- hectares (71.5 acres) with 195 m. frontage on VanLuven Road. The applicant has requested to sever two residential lots. The proposal is for two 2.8 +/- acre lots each with 97 m. of frontage on VanLuven Road. Public Health has no objections. Comments from Conservation were not required. The grade of the road along the frontage of the proposed lots is significant.

Comments from Roads have been received and while there are limitations on entrance locations given the topography there are appropriate entrances for both proposed severances.

RESOLUTION: C of A: 15:06:06

Moved by: P. Barr

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-25-15-P by Mary & James Stewart, to create a new lot, in Concession VII, Part Lot 2, VanLuven Road, District of Portland, subject to conditions

Carried

Application No:	S-25-15-P
Owner:	Mary & James Stewart
Location of Property:	Concession VII, Part Lot 2, VanLuven Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of a new residential lot
Date of Hearing:	June 11, 2015
Date of Decision:	July 9, 2015

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-25-14-L shall be for a 2.8 +/- acre lot with a minimum of 97 m. frontage on VanLuven 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 lands 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:
 - i. *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, 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 potable water pumping capacity of 3.5 gallons per minute sustained over a six-hour pump test for each of the lots severed by Consent Applications S-24-15-P and S-25-15-P.

Item # 9: S-33-15-P (Balfour)

Speaking to the Application:

Discussion:

The subject lands consist of 56.5 +/- hectares (139.5 acres) with 890 m. frontage on Wallace Road. The applicant has requested to sever one new residential lot. The proposed lot is 3.3 +/- hectares (8.3 acres) with 120 m. of frontage on Wallace Road. The Township Roads Department has visited the site and determined adequate space for a new entrance. Comments from Conservation were not required. Public health has no objections.

RESOLUTION: C of A: 15:06:07

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-33-15-P by William Balfour & Kelly Bowering, to create a new lot, in Concession 4, Part Lots 16/17, Wallace Road, District of Portland., subject to conditions.

Carried

Application No: S-34-15-L
Owner: Penny Brown
Location of Property: Concession 2, Part Lot 3, 2961 Railton Road, District of Loughborough, Township of South Frontenac
Purpose of Application: Creation of a new residential lot
Date of Hearing: July 9, 2015
Date of Decision: July 9, 2015

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-33-15-P shall be for a 3.3 +/- hectare (8.3 acre) lot with a minimum of 76 m. of frontage on Wallace 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 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 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 lands 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, 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 potable water pumping capacity of 3.5 gallons per minute sustained over a six-hour pump test.

Item # 10: S-34-15-L (Brown)

Speaking to the Application:

Discussion:

The subject lands consist of 16.8 +/- hectares (41.5 acres) with 378 m. frontage on Railton Road. The applicant has requested to sever one new residential lot. The proposed lot is 0.8 +/- hectares (2.0 acres) with 76 m. of frontage on Railton Road. The Township Roads Department has visited the site and determined adequate space for a new entrance. Comments from Conservation were not required. Public Health has no objections.

RESOLUTION: C of A: 15:06:08

Moved by: D. Hahn

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-34-15-L by Penny Brown, to create a new lot, in Concession 2, Part Lot 3, Railton Road, District of Loughborough, subject to conditions.

Carried

Application No: S-34-15-L
Owner: Penny Brown
Location of Property: Concession 2, Part Lot 3, 2961 Railton Road, District of Loughborough, Township of South Frontenac
Purpose of Application: Creation of a new residential lot
Date of Hearing: July 9, 2015
Date of Decision: July 9, 2015

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-34-15-P shall be for a 0.8 +/- hectare (2.0 acre) lot with a minimum of 76 m. of frontage on Railton 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 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 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 lands 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, 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 potable water pumping capacity of 3.5 gallons per minute sustained over a six-hour pump test.

Item # 11: S-28-15-S (Christy/Wilson)

Speaking to the Application: Douglas Christy, Ron Sonneveld

Discussion:

The subject lands consist of 2.3 +/- hectares (5.7 acres) with 220 m. frontage on Sunbury Road. The applicant has requested to sever one new rural industrial lot. The proposed lot is 0.8 +/- hectares (2.0 acres) with 76 m. of frontage on Sunbury Road. The Township Roads Department has visited the site and determined adequate space for a new entrance. Public Health has no objections. Comments from Conservation were not required.

CBO visited the site and had concerns with regards to the existing lot being a potential Brownfield due to past industrial uses and how this could affect the consent application process. The Committee agreed that the all historic industrial uses on the existing site were far enough from the proposed lot severance that they were not a concern for this application.

L. Mills, planner, determined that given its location remote from any incompatible uses, and proposed uses, a Site Plan Control document will not be required for development on the newly created lot. R. Sleeth has visited the site and concurs with this decision.

RESOLUTION: C of A: 15:06:09

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-35-15-S by Douglas Christy & Linda Wilson, to create a new lot, in Concession 7, Part Lot 6, Sunbury Road, District of Storrington, subject to conditions.

Carried

Application No: S-35-15-S
Owner: Douglas Christy & Linda Wilson
Location of Property: Concession 7, Part Lot 6, 2790 Sunbury Road, District of Storrington, Township of South Frontenac
Purpose of Application: Creation of a new rural industrial lot
Date of Hearing: July 9, 2015
Date of Decision: July 9, 2015

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-35-15-P shall be for a 0.8 +/- hectare (2.0 acre) lot with a minimum of 76 m. of frontage on 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 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 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 lands 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, 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 potable water pumping capacity of 3.5 gallons per minute sustained over a six-hour pump test.

Item # 12: S-36-15-B (607692 Ontario Inc.)

Speaking to the Application: Kevin George (authorised agent)

Discussion:

The subject lands consist of 7.3 +/- hectares (18.1 acres) with 380 m. frontage on Arnolds Lane and 580 m. frontage on Birch Lake. The applicant has requested to sever one new residential lot. The proposed lot is 0.9 +/- hectares (2.2 acres) with 131 m. of frontage on Arnolds Lane and 126 m. of frontage on Birch Lake. Chief Building Official was unable to visit the site due to a locked gate at the entrance to Arnolds Lane from Canoe Lake Road. Neither Public Health nor Conservation has any objections.

Discussion amongst the Committee concerning initiated by D. Hahn regarding adequate building envelope on the proposed lot given the combined setbacks from HWM and Top of Bank. It was decided that until the CBO could make a site visit and accurately determine building envelope the application should be deferred.

RESOLUTION: C of A: 15:06:10

Moved by: D. Hahn

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-36-15-L by 607692 Ontario Inc., to create a new lot, in Concession 5I, Part Lot 1, Arnolds Lane, District of Bedford.

Carried

Item # 13: MV-08-15-S (Hackett)

Speaking to the Application: Karen Craig, Ron Hackett

Discussion:

The subject land consists of 0.17 +/- acres with 24.6m frontage on Loughborough Lake. The application is for works already completed on the site without any building permits. These works involved the construction of a 4.5m by 2.5m addition to the southwest side of the existing cottage as well as a 3m by 12m deck, plus foundation works to reinforce the structure. Whether this was the structure of the existing cottage or the addition constructed without a building permit has yet to be determined.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. Given the 7.0m +/- setback of the original cottage and the size and scale of the addition plus the size and scale of the deck the intent has not been met.

A permit was obtained from the Cataraqui Region Conservation Authority for some works related to the foundation of the cottage but not for the 3m by 12m deck which has also been constructed on site or the 4.5m by 2.5m addition to the southwest side of the existing cottage.

R. Sleeth stated that the applicant had been attempting to contact the municipality regarding the required permits for quite some time but had received no response and needed to complete the foundation works for safety purposes. He also stated that the decks are a requirement to aid Mr. Hackett in accessing the front of the property and the waterfront due to his visual disability.

K. Gee visited the site and was ok with the works related to the foundation required to prevent the cottage from falling down. He objected to the decks on the front of the cottage built without approvals or permits. He also noted that there was no fencing around the rear excavations of the cottage creating very steep slopes and an unsafe environment. In response to the comments regarding attempts to secure permits Mr. Gee stated that the contractors completing the work should be fully aware of the need for building permits given the nature of the work. Additionally, with the Highly Sensitive Trout Lake status of the West Basin of Loughborough Lake any construction proposals within the 30m setback from the HWM really should include an additional preliminary environmental impact assessment report, something the applicant failed to provide.

L. Mills, planner recommends denial of the application as submitted for all foundation works, building addition and decks constructed along the front of the cottage for the reason that all the work is too close to the water.

D. Hahn had questions regarding the CRCA's approval of some of the decks but not others. He was unsure from their report exactly which ones they were talking about.

R. Hackett stated that the decks were initially done as supports for the cottage and turned into decks at a later date. Additionally, he questioned the need for a variance or permits to do preventative maintenance only, which is what he stated he was doing in order to prevent the cottage from falling down. He stated that he needs the decks in order to allow him to properly access the site due to his disability.

After much discussion from the committee it was determined that the application should be deferred until a proper site inspection could be made by several committee members along with the CRCA and CBO. The designated attendees shall be K. Gee, R. Sleeth, L. Mills, CBO B. Gass, and a CRCA representative. They shall give a presentation as to their findings and recommendations at the August 13, 2015 meeting.

RESOLUTION: C of A: 15:06:11

Moved by: R. Sleeth

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-05-15-S by Ron Hackett, to permit construction within the 30m setback from water, in Concession 1, Part Lot 1, Sandpiper Lane, District of Storrington, until the August 13, 2015 meeting.

Carried

Item # 14: MV-12-15-B (Cumpson)

Speaking to the Application: Matthew Cumpson, Jim Cumpson

Discussion:

The subject land consists of 0.78 +/- acres with 110 m frontage on Field Lane. The proposal involves the demolition of the existing 460 sq. ft. cottage and the construction of a new 50 ft. by 36 ft. dwelling within the 20 m front yard setback from Field Lane. The by-law does not permit front yard setbacks of less than 20 m. along private lanes for the reasons of reducing crowding along the lanes and aiding in the preservation of the rural character of the Township. At 8 metres this proposal is still exceeding the 5 metre setback required from private lanes for all structures as such the intent is met. The Chief Building Official has no objections. Comments from Public Health were not required at this time as a septic permit will be required from Public Health prior to the construction of the new dwelling. Comments from Conservation were not required.

RESOLUTION: C of A: 15:06:12

Moved by: P. Barr

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-12-15-B by Matthew Cumpson, to permit construction within the 20 front yard setback, in Concession 2, Part Lot 14, Field Lane, District of Bedford, subject to conditions.

Carried

Application No: MV-12-15-B
Owner: Matthew Cumpson
Location of Property: Concession 2, Part Lot 14, 89 Field Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 9.3.1 of the Comprehensive Zoning By-law to reduce the front yard setback
Date of Hearing: June 11, 2015
Date of Decision: June 11, 2015

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. The variance is for the construction of a 50 ft. by 36 ft. dwelling a minimum of 8 m from Field Lane.
2. No other structures shall be permitted within the 20m front yard setback.
3. Minor variance MV-12-15-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, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

Item # 15: MV-13-15-S (George)

Speaking to the Application: Kevin George

Discussion:

The subject land consists of 0.81 +/- acres with 23 m frontage on Dog Lake. The proposal involves the construction of a new 19 m. by 8.5 m. two story dwelling with attached garage within the 30 m setback from the high water mark of Dog Lake and within the 3 m. interior side yard setback. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. Given the width of the existing lot (26.6 metres) and the fact the applicant has proposed that no part of the structure to be closer to the water (15 m.) than absolutely necessary the intent has been met. In order to get the best setback from the high water mark of Dog Lake an additional variance for side yard setback must also be obtained.

The Chief Building Official visited the site and has recommended that given the size of the lot and proximity to neighbours and lot lines that the applicant provides a survey from an Ontario Land Surveyor showing the location of the "as-built" foundation to ensure proper location of the building. To accommodate this, the CBO has the option to issue a partial building permit until the final location can be confirmed, at which point a permit for the remainder of the construction can be issued.

Public Health has no objections. The Rideau Waterway Development Review Team has no objections.

RESOLUTION: C of A: 15:05:13

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-13-15-S by Kevin George, to permit construction within the 30m setback from the HWM, in Concession 9, Part Lot 19, Stair Step Lane District of Bedford, subject to conditions.

Carried

Application No:	MV-13-15-S
Owner:	Kevin & Johanna George
Location of Property:	Concession 9, Part Lot 19, Stair Step Lane, Dog Lake, 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 30 m of the high water mark and section 10.3.1
Date of Hearing:	June 11, 2015
Date of Decision:	June 11, 2015

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. The variance is for the construction of a 19 m. by 8.5 m. two story dwelling with attached garage a minimum of 15 m from Dog Lake and a minimum of 1.7 m.
2. No other structures shall be permitted within the 30m setback from the HWM.
3. Minor variance MV-13-15-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, 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 may be required from the Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 16: MV-14-15-P (Siydock)

Speaking to the Application: Mary Siydock, Nancy Siydock, Rod Stokes

Discussion:

The subject land consists of 1.73 +/- acres with 33 m frontage on Bobs Lake. The proposal involves moving the existing cottage 1.5 metres closer to the HWM onto newly constructed footings/foundations as well as the construction of a 3 m. by 4.3 m. addition within the 30 m setback from the high water mark of Bobs Lake. The existing cottage is located 26 m. from the HWM and at the top of greater than 30% slope. As such a slope stability study, from an engineering firm, was requested from the applicant in order to address the reduction in setback from top of bank.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The proposed location of the relocated cottage and addition is to be 24.4 m. from the HWM of Bobs Lake. The feasibility of this location is to be confirmed with the required engineering study. Should this study confirm feasibility and given the distance from the water of the proposed relocation the intent would be met.

The Chief Building Official visited the site and reviewed the Slope Assessment report provided by Concord Engineering. This report is inconclusive as to the feasibility of the proposal and describes several significant challenges to even completing a proper in-depth site analysis, including complete removal of the cottage and overlying topsoil off-site in order to properly assess the underlying bedrock.

Public Health has no objections. Rideau Valley Conservation authority has determined there is no need for a permit from them for the proposed works.

While an extensive report was completed by the Rideau Valley Conservation Authority it was not submitted to the committee for evaluation. D. Hahn requested deferral of the application until such time the full report could be viewed by the committee.

RESOLUTION: C of A: 15:06:14

Moved by: D. Hahn

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-14-15-P by Mark & Nancy Siydock, to permit construction within the 30m setback from the HWM and 15m from top of bank, in Concession V, Part Lot 3, Alton Road, District of Portland, subject to receipt of the RVCA report.

Carried

Item # 20: Other Business

Item # 21: Adjournment

RESOLUTION: C of A: 15:06:15

Moved by: P. Barr

Seconded by: D. Hahn

THAT the July 9, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:35 p.m. to reconvene at 7:00 p.m. on Thursday, August 13, 2014 or at the call of the Chair.

Carried

Larry Redden
Chair

Lindsay Mills
Secretary-Treasurer