

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 12:08
AUGUST 9, 2012**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
Ken Gee (Storrington District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Mark Tinlin (Bedford District)
David Hahn (Bedford District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planning Coordinator
Anne Levac – Assistant Secretary-Treasurer/Committee Clerk

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 12:08:01

Moved by: L. McCullough

Seconded by: L. York

THAT the August 9th, 2012 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: 12:08:01A

Moved by: L. Redden

Seconded by: W. Robinson

THAT the minutes of the July 12, 2012 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: S-27-12-P (Babcock)

Speaking to the Application: Bill Babcock

Discussion

The subject lands consist of 95+/- acres with frontage on Alton and Jamieson. The proposal is to create a 2.6+/- acre lot with a minimum of 250 ft. frontage on Jamieson Road. There have been no objections; however, the Roads Department has indicated that brushing will be required along the ditch line. This is included as a condition of severance, and must be completed before the deed can be stamped.

RESOLUTION: C of A: 12:08:02

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-27-12-P by William Babcock to create a residential lot in concession 6, lot 2, District of Portland, subject to conditions.

Carried

Application No:	S-27-12-P
Owner:	William C. Babcock
Location of Property:	Concession 5, Lot 2, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing;	August 9, 2012
Date of Decision:	August 9, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. **An acceptable reference plan or legal description of the severed lands, 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-27 -12-P shall be for a 2.6+/- acre lot with 250+ ft. frontage on Jamieson 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, 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 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 will be required to cut back brush in ditch line, to satisfaction of Roads Department, prior to the stamping of the deed.

Item #6: S-45-12-S (Vankoughnett)

Speaking to the application: Barry Vankoughnett

Discussion

The subject property consists of a 10+/- acre parcel with frontage on Battersea Road, and is developed with a single family dwelling and an accessory building. The proposed severance would add approximately 1.33 acres to a developed lot at 3507 Battersea Road. The lot to be enlarged is currently one acre in size, and this addition would bring the size into conformity with our official plan and zoning bylaw.

RESOLUTION: C of A: 12:08:03

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-45-12-S by the Estate of James Vankoughnett to create a lot addition in concession 1, lot 26, District of Storrington, subject to conditions.

Carried

Application No:	S-44-12-S
Owner:	Estate of James Vankoughnett
Location of Property:	Concession 1, Lot 26, District of Storrington, Township of South Frontenac
Purpose of Application:	Severance to create lot addition
Date of Hearing:	August 9, 2012
Date of Decision:	August 9, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands, 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-45-12-S shall be for a 1.33+/- acre lot addition to the property at 3507 Battersea Road.(pt. 1 on Plan 13R-3027)

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 #7: S-46-12-S (Grace)

Discussion

The subject property consists of a 7+/- acre parcel with frontage on Ernie Lane and Loughborough Lake, and is vacant. Two lot additions are proposed – one would add .39+/- acre to #3084 Ernie Lane, and the second would add 1.08+/- acres to #3066 Ernie Lane. There will be no changes to anyone's right-of-way. The lots being enlarged are quite small and these additions will bring them closer to conformity with the official plan and zoning bylaw.

RESOLUTION: C of A: 12:08:04

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-46-12-S by Tim Grace to create lot additions in concession 6, lot 26, District of Storrington, subject to conditions.

Carried

Application No:	S-46-12-S
Owner:	Tim Grace
Location of Property:	Concession 6, Lot 26, District of Storrington, Township of South Frontenac
Purpose of Application:	Severance to create lot additions
Date of Hearing:	August 9, 2012
Date of Decision:	August 9, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands, 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-46-12-S shall be for a .39 acre and a 1.08 acre lot addition to the property at 3084 and 3086 Ernie Lane respectively.**
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 (for each lot addition) pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #8: S-47-12-S (Foster)

Speaking to the Application: Gary Beach, agent

Discussion

The subject lands consist of 140+/- acres fronting on Round Lake Road and Inverary Lake, and are vacant. The proposed new lot would front on Round Lake Road and on Inverary Lake.. The Roads Department can support the application provided that certain conditions are met and Public Health has no objection. CRCA supports the application, provided that there is no development within 120m of the wetland surrounding Inverary Lake unless an environmental impact assessment is carried out demonstrating that there will be no negative impacts on the wetland or on its ecological functions. However, the Chief Building Official has pointed out that it would be very difficult, if not impossible, to locate a building envelope on the severed parcel on the road side of the deep ravine, and also very difficult to access the rear of the lot from Round Lake Road.

Mr. Beach expressed the belief that a driveway could be constructed down to the back part of the property. Stephen Hunt, Chair of the Inverary Lake Association asked questions about the future plans for the property, but the Committee is not aware of long-term plans and can only deal with the application as it has been submitted. He was told that an additional severance might be possible.

RESOLUTION: C of A: 12:08:05

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-48-12-S by 1324789 Inc. to create a residential lot in concession 4, lot 23, District of Storrington, pending confirmation, to the satisfaction of the Township Building Department, of a building envelop which meets all required setbacks.

Carried**Item #9: S-48-12-S, S-49-12-S (1324789 Ontario Inc.)**

Speaking to the Application: Gary Beach

Discussion

The applicant is seeking approval of two non-waterfront residential lots, with frontage on Round Lake Road. Just off the road there is a steep ravine, and the CBO indicated that he was doubtful that there would be a building envelope which meets all setback requirements.

RESOLUTION: C of A: 12:08:06

Moved by: K. Gee

Seconded by: L. York

TRAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-48-12-S by 132789 Ontario Inc., to create a residential lot in concession 4, lot 23, District of Storrington, pending confirmation, to the satisfaction of the Township Building Department, of a building envelope which meets all required setbacks.

Carried**RESOLUTION: C of A: 12:08:07**

Moved by: K. Gee

Seconded by: L. York

TRAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-49-12-S by 132789 Ontario Inc., to create a residential lot in concession 4, lot 23, District of Storrington, pending confirmation, to the satisfaction of the Township Building Department, of a building envelope which meets all required setbacks.

Carried**Item #10: S-50-12-P (Asselstine)**

Speaking to the Application: Scott Asselstine

Discussion

The subject lands consist of 114+/- acres with frontage on Petworth and Boyce Roads, District of Portland, and are vacant. The north portion of the subject land is located within the Settlement Area of Hartington, while the southern portion is designated Rural. The applicant is proposing to sever a 2 acre parcel as a lot for an existing solar panel. The lot will be rezoned to

rural commercial to recognize its use. A residential use will not be permitted. Although the applicant has been granted the maximum number of residential severances permitted on the property, the official plan does not specify a limit to the number of commercial lots permitted.

RESOLUTION: C of A: 12:08:08

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-50-12-P by Scott Asselstine to create a lot for a solar microfit in concession 7, lot 7, District of Portland, subject to conditions.

Carried

Application No:	S-50-12-P
Owner:	Scott Asselstine
Location of Property:	Concession 7, Lot 7, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of lot for solar microfit
Date of Hearing:	August 9, 2012
Date of Decision:	August 9, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

- 1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
- 2. The land to be severed by Consent Application S-50-12-P shall be for a 2+ acre lot, with a minimum of 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 2% 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 applicant shall obtain an amendment to the Township's Comprehensive Zoning By-law to amend the zoning on the severed parcel from Rural to a special Rural Commercial to recognize its limited use for a solar panel.**

Item #11: MV-06-12-S (Gaffney)

Speaking to the Application: Chris Gaffney

Discussion

The applicants' property is .43 acres in size. The applicant is proposing to remove an existing cottage. The planner from the Cataraqui Region Conservation Authority has indicated that the setback from the high water mark to the deck would be 66 ft. rather than 72 ft., but does not object to the proposal. The CBO also supports the application. It would appear to be possible to move further from the lake, since the required setback from the rear lot line is just 3m (9.85 ft) and the applicant is proposing a 30 ft. setback from the rear lot line.

A letter from a neighbouring property owner has expressed some concern about the location of such a system. It has also been pointed out that this property does not appear to have any "on title" access, but that the owners have been crossing an abutting property for many years. The

Committee asked for confirmation of the right-of-way before making a decision on the application.

RESOLUTION: C of A: 12:08:09

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-06-12-S by Jodie Palmer Gaffney, concession 14, lot 3, Buck Lake, District of Storrington, to permit construction of a new dwelling 78 ft. from the high water mark, pending confirmation of a legal access to the subject property, additional information re neighbouring dwelling's septic system, and consideration of a revised site.

Carried

Item #12: MV-07-12-S (Stroud, Pople)

Speaking to the Application: Rod Stroud

Discussion

The applicants' property is just under one acres in size. It was developed with a single family dwelling which was destroyed by fire in the spring of 2011. The Township's zoning by-law permits reconstruction on the existing footprint in such circumstances, but only if the permit for a new dwelling is taken out within one year of the original dwelling being destroyed. The current owner of the property missed this timeline, and therefore must apply for a variance. The proposed dwelling would be located approximately 90 ft. from the high water mark. There is additional room at the rear of the proposed building site; however, moving the structure further back would require moving the septic tank. The CRCA supports the application provided that there is a minimum 7m setback from the top of the bank.

RESOLUTION: C of A: 12:08:10

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-07-12-S by Rod Stroud and Shireen Pople, concession 3, lot 14, Loughborough Lake, District of Storrington to permit construction of a new dwelling 21m from the high water mark, subject to conditions.

Carried

Application No:	MV-07-12-S
Owner:	Rod Stroud & Shireen Pople
Location of Property:	Pt. Lot 14, Concession III, Loughborough 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 30m of the high water mark
Date of Hearing:	August 9, 2012
Date of Decision:	August 9, 2012

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

- 1. The variance is limited to construction of a 2000 sq. ft. raised bungalow, and a 9 ft. x 28 ft. uncovered deck, all to be located a minimum of 21m from the high water mark (7m from the top of the bank).**
- 2. No other structures shall be permitted within the 30m setback from the high water mark.**
- 3. Minor variance MV-07-12-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 specifies that a permit will be required from the Cataraqui Region Conservation Authority for any construction on site, including docks, and shoreline or in-water works.**

REASON FOR DECISION: The variance has been approved by staff and agencies, and the proposal will result in the dwelling being located further from the high water mark than the previous dwelling,

Item #13: MV-08-12-B (Delage)

Speaking to the Application: Yves Delage

Discussion

The applicants' property is .86+/- acre in size and is developed with a single family dwelling. The proposal is for the construction of a 252 sq. ft. addition, 64 ft. from the high water mark of Burrige Lake. It is also requested that a 6 ft. high basement be permitted, for utilities, storage, etc. The 6 ft. maximum would make it more of a crawl space than a living area.

RESOLUTION: C of A: 12:08:11

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-08-12-B by Yvon Delage, concession 7, lot 24, Burrige Lake, District of Bedford, to permit an addition to an existing dwelling, 64 ft. from the high water mark, subject to conditions.

Carried

Application No:	MV-08-12-B
Owner:	Yvon Delage
Location of Property:	Pt. Lot 24, Concession VII, Burrige Lake, 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 the high water mark
Date of Hearing:	August 9, 2012
Date of Decision:	August 9, 2012

DECISION: VARIANCE GRANTED, subject to conditions

CONDITIONS:

1. **The variance is limited to construction of a 252 sq. ft. addition to be located 19.5m from the high water mark, and the raising of the existing structure to allow for storage, utilities etc.**
2. **No other structures shall be permitted within the 30m setback from the high water mark.**
3. **Minor variance MV-08-12-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, 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 specifies that a permit will be required from the Rideau Valley Conservation Authority for any docks, and shoreline or in-water works.**

REASON FOR DECISION: The variance has been approved by staff and agencies, and the proposal is considered minor.

Item #14: Adjournment

RESOLUTION: C of A: 12:08:12

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the August 9, 2012 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, September 20, 2012 or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer