

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 12:06
JUNE 14, 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 & CONSULTANTS: Lindsay Mills – Secretary-Treasurer/Planning Coordinator
Anne Levac – Assistant Secretary-Treasurer

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 12:06:01

Moved by: W. Robinson

Seconded by: M. Tinlin

THAT the June 14, 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: 12:06:02

Moved by: K. Gee

Seconded by: L. York

THAT the minutes of the May 10, 2012 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: S-37-11-B (Murphy)

Speaking to the Application: Evan Murphy, applicant; Reg Genge, Ontario Lake Assessments

Discussion

The subject lands consist of 47+/- acres with frontage on Colebrooke Road and on Bradford Road. The property is developed with a single family dwelling and a detached garage. The applicant received approval at the May meeting of the Committee to sever a lot on the Colebrooke Road side of the property. The CRCA reviewed a preliminary Environmental Impact Assessment carried out by Ontario Lake Assessment which outlined 3 possible scenarios for creating a lot on the Bradford Road side. All of these options would result in the creation of only one lot, incorporating all of the Bradford Road frontage, to limit the potential access to the provincially significant wetland located in the middle of the property. The CRCA indicated that they had a preference for the option which would result in the southern lot line of the new lot being several metres from the wetland; however, they would be satisfied with any of these options. Public Health had not yet inspected the site because of the uncertainty of the CRCA's report and the applicant's ultimate plan. Once the applicant has made a decision about which option he prefers, staff will ask Public Health to comment, and the application can proceed, as amended.

RESOLUTION: C of A: 12:05:04

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-09-12-P, as amended, by Evan Murphy, to create a lot in concession 5, lot 11, Bradford Road, District of Portland, pending receipt of a report from Public Health, and a decision of the applicant as to preferred option.

Carried

Item #6: S-33-12-L (McFadden)

Speaking to the Application: Robert McFadden, applicant

Discussion

The subject lands consist of 83+/- acres with a dwelling and accessory building. The applicant received approval at the May meeting of the Committee to create the easterly lot (S-34-12-L). The lot proposed through application S-33-12-L is located in part within an area that has been identified as highly sensitive for ground water quantity and/or quality. Because wells in this area are dug wells, Committee members wished to determine if draw-down tests on neighbouring wells could be carried out in the same manner as for drilled wells. The application was deferred pending clarification of this point by staff. Following a conversation with a local well driller, staff are satisfied that a test could be carried out to monitor the effect on nearby wells, and a relevant condition has therefore been included.

RESOLUTION: C of A: 12:06:04

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-33-12-L by Robert McFadden, to create a lot in concession 1, lot 3, Forest Road, District of Loughborough, subject to conditions.

Carried

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| Application No: | S-33-12-L |
| Owner: | Robert McFadden |
| Location of Property: | Concession I, Lot 3, Forest Road, District of Loughborough, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot |
| Date of Hearing: | May 10, 2012 |
| Date of Decision: | June 14, 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 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-33-12-L shall be for a 3.1+/- acre lot, with 250+ ft. frontage on Forest Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test. The applicant shall provide confirmation from a professional hydrologist that the well on the proposed new lot would not detrimentally impact on existing wells within 500 ft. of the new well.

Item #7: (Mundell)

Speaking to the Application: Mike Mundell, applicant

Discussion

The applicants own two adjoining lots on Washburn Road, at #1574 and #1582. The driveway into 1582 crosses a small portion of the property at 1574. Therefore, the applicants wish to create a lot addition from 1574 to 1582 in order to incorporate the driveway on the appropriate

lot. The original proposal was to trade property – a small piece from the smaller parcel to the larger one (1574 to 1582) and an equal sized piece from the large parcel to be added to the rear of the smaller one. However, the Public Health inspector has indicated his concern about how close the tile bed at 1574 would be to the new lot line. In addition, L. Mills had concerns about further reducing an already deficient road frontage. It was agreed that a very small triangle of land, approximately 12 ft. wide at the road, would be severed from the lot at 1574 and added to the adjacent property. With such a small amount of land involved, it was determined that the second application – i.e. to add an equal sized parcel at the rear of 1574 – was not necessary. The applicant therefore agreed to withdraw application S-36-12-S.

RESOLUTION: C of A: 12:06:05

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-37-12-S by Michael and Linda Mundell, to create a lot addition in concession 7, lot 19, Washburn Road, District of Storrington, to include the driveway to #1582 Washburn Road on the appropriate lot, subject to conditions.

Carried

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| Application No: | S-37-12-S |
| Owner: | Michael & Linda Mundell |
| Location of Property: | Concession VII, Lot 19, Washburn Road, District of Storrington, Township of South Frontenac |
| Purpose of Application: | Creation of lot addition |
| Date of Hearing: | June 14, 2012 |
| Date of Decision: | June 14, 2012 |

DECISION: PROVISIONAL CONSENT GRANTED, as amended, 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-37-12-S shall be for a 1075 +/- sq. ft. lot addition from #1574 Washburn Road to the property at 1582 Washburn Road. The additional frontage on Washburn Road shall be 4 m (13.3 ft), and the eastern lot line of the addition shall be on an angle to meet the original lot line at approximately 25 m (82.03 ft) from Washburn Road.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #8: S-38-12-S (Gordon)

Speaking to the Application: Gerald Gordon, applicant; Darlene Clement, Kyle Clement

Discussion

The subject property consists of two farm properties of 100+/- acres each. One property fronts on Davison Road, and the other fronts on Holmes and Perth Roads. The parcels have merged because of being held in common ownership. One of the parcels is developed with outbuildings.

Committee members had no concerns about separating these properties; however, this would be done in the same way as any other severance, despite the history of the properties.

RESOLUTION: C of A: 12:06:06

Moved by: K. Gee

L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-38-12-S by Gerald Gordon, to separate two farm properties in concession 1, lot 17, District of Storrington, which merged through common ownership, subject to conditions.

Carried

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| Application No: | S-38-12-S |
| Owner: | Gerald Gordon |
| Location of Property: | Concession 1, Lot 17, District of Storrington, Township of South Frontenac |
| Purpose of Application: | Consent to separate two farm properties which merged on title |
| Date of Hearing: | June 14, 2012 |
| Date of Decision: | June 14, 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 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-38-12-S shall be for a 115+/- acre lot, with frontage on Davison 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. **A surveyor shall determine the width of the public road (Davidson) abutting the severed 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.**

Item #9: S-39-12-B (Greenslade)

Discussion

The subject property consists of a 45+/- acre parcel with frontage on Green Bay and Burrige Roads. The property is developed with a single family dwelling and accessory buildings. There have been no objections to this application; however, another application has since been received which requests lot additions from this property to three waterfront lots. It was agreed that the application be deferred until the next meeting so that the Committee can review all of the proposed development on the subject land.

RESOLUTION: C of A: 12:06:07

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-39-12-B by Don & Marlene Greenslade, to create a 30+ acre waterfront lot in concession 7, lot 22, District of Bedford, pending review of lot addition applications related to the same subject property.

Carried

Item #10: S-40-12-B (Byles/Robinson)

Speaking to the Application: Glen Byles, Gordon Robinson, applicants

Discussion

The subject property consists of 5.52+/- acres with frontage on Green Bay of Bob's Lake, and on a private lane. It is developed with two seasonal dwellings and two privies. Because this property is located on a highly sensitive part of Bob's Lake, there are specific provisions in the Official Plan which must be considered. These include the need for greater setbacks, effluent flow away from the lake, etc. Planning staff, Public Health staff, and the applicants have been in contact with a representative of the Ministry of the Environment. He has indicated that he could support the proposal on condition that one of the dwellings on the retained parcel was removed, and that both lots contained the potential for new, conventional sewage disposal systems.

The Rideau Valley Conservation Authority has indicated general approval, provided that a recently constructed roadway is at least partly re-vegetated, since it is largely built within the 30m setback from the lake, and that measures be taken to ensure erosion control, limited lake access, etc. In addition, a building site on the property might be problematic because of the terrain, and the need to meet not only the 30m setback from the lake, but also the 15m setback from the top of bank. A condition of approval would need to be that a building envelope be identified by a surveyor, which meets all of the required setbacks.

The application will need to be deferred at this meeting since we are awaiting written comments from MOE. In addition, staff are planning an additional site visit. It is staff's understanding that the test holes for the septic system have been dug near the top of the embankment which runs through the property, and this might ultimately not be appropriate given the required top of bank setback.

RESOLUTION: C of A: 12:06:08

Moved by: W. Robinson

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-40-12-B by Glen & Sharon Byles, and Gordon & Jane Robinson, to create a waterfront lot in concession 5, lot 19, Green Bay of Bob's Lake, District of Bedford, pending receipt of written approval from the Ministry of the Environment.

Carried

Item #11: MV-02-12-L (Allen)

Speaking to the Application: Greg Allen, applicant

Discussion

The applicants' property consists of approximately 2 acres, with frontage on Canoe Lake Road and Mitchell Creek. It is developed with a single family dwelling, and an accessory building. The dwelling is located within the 30m setback from the high water mark. It is the applicants' proposal that the existing screened porch be removed, and that a new, smaller porch be constructed, 80 ft. at its closest point from the water. The applicants are also proposing to construct a second storey on the dwelling, which would not be closer to the water than the existing dwelling. A report had not been received from Public Health and the application was therefore deferred.

RESOLUTION: C of A: 12:06:09

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-02-12-L by Greg & Carol Allen, to construct a second storey on a dwelling within the 30m setback from the high water mark, in concession 14, lot 7, Mitchell Creek, District of Loughborough, pending receipt of a report from Public Health.

Carried**Item #12: MV-03-12-P (Van Allen)**

Speaking to the Application: Mac Gervan, agent

Discussion

The applicants' property consists of approximately 4.85 acres on High Falls Lane, Howes Lake, District of Portland. It is developed with a single family dwelling, located 9.3 metres from a seasonal wetland. (The setback from the lake is not an issue in this case). The applicants are proposing to construct a second storey on a portion of the dwelling. Approval has been received from Quinte Conservation and Public Health.

RESOLUTION: C of A: 12:06:10

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-03-12-P by Cory & Kate Van Allen, to construct a second storey on a portion of a dwelling within 30m of an inland water course, in concession 13, lot 5/6, Howes Lake, District of Portland, subject to conditions.

Carried

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| Application No: | MV-03-12-P |
| Owner: | Cory & Kate Van Allen |
| Location of Property: | Pt. Lot 5/6, Concession 13, Howes Lake, District of Portland, Township of South Frontenac |
| Purpose of Application: | To vary section 5.10.2 and 10.3.1 of the Comprehensive Zoning By-law to permit increase in height within 30m of a watercourse |
| Date of Hearing: | June 14, 2012 |
| Date of Decision: | June 14, 2012 |

DECISION: VARIANCE APPROVED, subject to conditionsCONDITIONS:

- 1. The variance is limited to construction of a second storey on the east half of the existing dwelling, 9.3 metres from the seasonal wetland.**
- 2. Minor variance MV-03-12-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**

3. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
4. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's limited service and environmental policies, and which specifies that a permit will be required from Quinte Conservation for any shoreline or in-water work, including docks.**

Item #15: Adjournment

RESOLUTION: C of A: 12:06:11

Moved by: W. Robinson

Seconded by: L. Redden

THAT the June 14, 2012 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:15 p.m. to reconvene at 7:00 p.m. on Thursday, July 12, 2012 or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer