

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 14:03
APRIL 10, 2014**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Cam Naish (Storrington District)
Ron Vandewal (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Pat Barr (Bedford District)

ABSENT WITH REGRETS: David Hahn (Bedford District)
Len McCullough (Loughborough District)

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

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 14:03:01

Moved by: R. Vandewal

Seconded by: C. Naish

THAT the April 10, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Ken Gee in the Chair.

Carried

Item #2: Adoption of Agenda

Approved as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Approval of Minutes

RESOLUTION: C of A: 14:03:02

Moved by: C. Naish

Seconded by: R. Vandewal

THAT the minutes of the March 6, 2014 meeting of the South Frontenac Township Committee of Adjustment are hereby approved as amended.

Carried

Item #5: S-07-14-P (Lavin)

Discussion

The subject lands consist of 1.27+/- acres fronting on First Lake Road and Depot Creek. Ms. Lavin's property is comprised of vacant waterfront lot, and a parcel that had been identified as a right-of-way for access to an island property. The vacant parcel's best use is as a parking area. It has been determined that the right-of-way strip has merged with the vacant lot to the south. Ms. Lavin is proposing to sell the island, along with mainland access, but first wishes to add a portion of the "right-of-way" parcel to a developed property to the north. This will result in the northern parcel (6054 Frist Lake Road) continuing to have access to the dwelling on that property, and the southern parcel being sold together with the island property. Another access will be required off of First Lake Road, and this has been approved by the Township Roads Department. Although both lots involved in this application are undersized, the proposed lot addition does not make the situation worse, and in fact, enlarges the developed lot to a more appropriate size for a waterfront lot.

RESOLUTION: C of A: 14:03:03

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-07-14-P by Virginia Lavin, to create a lot addition in concession 11, lot 19, First Lake Road, District of Portland, subject to conditions.

Carried

Owner:	Virginia Lavin
Location of Property:	Concession 11, Lot 19, First Lake Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	April 10, 2014
Date of Decision:	April 10, 2014

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-07-14-P shall be for a 16,000+/- sq. ft. lot addition only to 6054 First Lake Road (102908006002405).**
- 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.**
- 6. The applicant shall obtain a permit for a new entrance onto the retained parcel, and a civic number for the retained parcel, prior to the stamping of the deed.**

Item #6: S-08-14-B (Heaton)

In attendance

Discussion

The subject lands consist of 100 acres with frontage on Devil Lake Road and Mulville Road. There is also a very large body of water dividing the severed parcel from the retained. The retained parcel is developed with a single family dwelling and accessory buildings. The proposed severed parcel is vacant. The chief building official noted that the hydro easement should be identified on the reference plan to assist future owners determine potential building sites. No report was received from Public Health, and the application was therefore deferred.

RESOLUTION: C of A: 14:03:04

Moved by: P. Barr

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-08-14-B by Michael Heaton and Janice Heaton, to create a lot in concession 12, lot 18, Devil Lake Road, District of Bedford, pending receipt of a report from KFL&A Public Health.

Carried

Item #7: S-09-14-B (Bresee)

Speaking to the application: Kent Bandy, agent

Discussion

The subject lands consist of 26.9 acres with frontage on Hanna Road and Wolfe Lake. The proposal is for the addition of 3.5 acres to the property owned by Ellel Ministries at 183 Hanna Road. The proposed uses of the additional property include an upgraded sewage disposal system, parking, solar panels and an accessory building. The lot addition will need to be rezoned to match the zoning of the parcel to which it is being added. A report is not available from Public Health and the application was therefore deferred.

RESOLUTION: C of A: 14:03:05

Moved by: P. Barr

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-09-14-B by Nicole & Steven Bresee, to create a lot addition in concession 11, lot 22, Hanna Road, District of Bedford, pending receipt of a report form KFL&A Public Health.

Carried

Item #8: S-10-14-L (Gordon)

Speaking to the Application: Percy Snider, agent

Discussion

The subject lands consist of a 74+ acre parcel fronting on Stagecoach and Railton Roads and a 49 acre parcel fronting on Railton Rd. which have merged. This proposal is to separate the two parcels, and add the 49 acre parcel to property which fronts on Lambert Road. A neighbouring property owner, Mary Alice Snetzinger, expressed concern about drainage and wetland issues on the lot addition parcel, and the CRCA indicated that they did not want any additional road work done on that parcel or any development close to the unevaluated wetland.

RESOLUTION: C of A: 14:03:06

Moved by: R. Vandewal

Seconded by: C. Naish

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-10-14-L by Sally Gordon, to create a lot addition in concession 3, lot 5, Railton Road, District of Loughborough, subject to conditions.

Carried

Application No: S-10-14-L
Owner: Sally Gordon
Location of Property: Concession 3, Lot 5, Railton Road, District of Loughborough,
 Township of South Frontenac
Purpose of Application: Creation of lot addition
Date of Hearing: April 10, 2014
Date of Decision: April 10, 2014

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-10-14-L shall be for a 49+/- acre lot addition only to 2718 Lambert Road (102901003500).
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.
6. The owner of the property to be enlarged shall enter into a development agreement to be registered on title which specifies that: a) no construction or site alteration shall be permitted on the property identified through consent application S-10-14-L within 30m of the unevaluated wetland and within 15m of the regulatory flood plain associated with the wetland and watercourse without approval of the Township of South Frontenac and the Cataraqui Region Conservation Authority, and b) no site alteration to the gravel laneway onto the property off of Railton Road, shall be permitted.

Item #9: S-11-14-S (Sleeth)

Speaking to the Application: Paul Sleeth

Discussion

The subject lands front on Wellington St, in Battersea, and also on Milburn and Ormsbee Roads. The application is for the addition of an addition onto both the north and south sides of a developed lot at 4994 Milburn Road. There are no sewage disposal systems near the lot addition parcels, and no new entrance required. Therefore reports were not required from Public Health or Roads.

RESOLUTION: C of A: 14:03:07

Moved by: R. Vandewal

Seconded by: C. Naish

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-11-14-S by Paul Sleeth and Jeffrey Sleeth, to create a lot addition in concession 9, lot 13, Milburn Road, District of Storrington, subject to conditions.

Carried

Application No: S-11-14-S
Owner: Paul Sleeth, Jeffrey Sleeth
Location of Property: Concession 9, Lot 13, Milburn Road, District of Storrington, Township of South Frontenac
Purpose of Application: Creation of lot addition
Date of Hearing: April 10, 2014
Date of Decision: April 10, 2014

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-11-14-S shall be for a 1+/- acre lot addition only to 4994 Milburn Road (RP 13R-11583, part 2)
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item #10: S-12-14-P (Young)
Speaking to the Application.....

Discussion
The subject lands consist of 139 acres with frontage on Verona Sand Road. It is developed with a single family dwelling and accessory buildings. The application is for the creation of a 7 to 10 acre parcel, with frontage on Verona Sand Road at the west side of the property. The Roads Department has indicated that brush removal will be required, and has also noted that the lot is very low at the back, which might suggest some limitations regarding house construction. No report had been received to date from Public Health, and the application was therefore deferred. The Portland District Committee members noted that when they visited the site, it was all flooded. During the deferral period, Committee members may wish to view the site with specific attention to the low lying land as per the Roads and Committee members' reports.

RESOLUTION: C of A: 14:03:08

Moved by: W. Robinson Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-12-14-P by Joan Esther Young, to create a lot in concession 11, lot 11, Verona Sands Road, District of Portland, pending receipt of report from KFL&A Public Health, and further site inspections to consider flooding concerns.

Carried

Item #11: S-14-14-P (Brushette)
Speaking to the Application: Nicole and Gordon Brushette

Discussion
The subject lands consist of 100 acres with frontage on Colebrooke and Bradford Roads. The property is developed with a single family dwelling and accessory buildings. A similar application was approved by the Committee in 2012, but legal issues surrounding the property

resulted in the consent lapsing without the deed being stamped. There were no problems or concerns with the original application.

RESOLUTION: C of A: 14:03:09

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-14-14-P by Nicole, Gordon and Edith Brushette, to create a lot in concession 5, lot 17, Colebrooke and Bradford Roads, District of Portland, subject to conditions.

Carried

Application No:	S-14-14-P
Owner:	Gordon Brushette, Nicole Brushette, Edith Brushette
Location of Property:	Concession V, Lot 17, Colebrooke and Bradford Roads, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of 90+/- acre lot
Date of Hearing:	April 10, 2014
Date of Decision:	April 10, 2014

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-32-12-P shall be for a 90+/- acre lot, with 250+ ft. frontage on Colebrooke and Bradford Roads.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:**
 - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

**The Transferor hereby transfers the lands to the municipality
for the purpose of widening the adjacent highway pursuant**

*to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25,
as amended.*

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item #12: Adjournment

RESOLUTION: C of A: 14:03:10

Moved by: C. Naish

Seconded by: R. Vandewal

THAT the April 10, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:00 p.m. to reconvene at 7:00 p.m. on Thursday, May 8, 2014, or at the call of the Chair.

Carried

Ken Gee
Vice-Chair

Lindsay Mills
Secretary-Treasurer