

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 11:05
JUNE 9, 2011**

LOCATION: South Frontenac Municipal Offices,
Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
Ken Gee (Storrington District)
Mark Tinlin (Bedford District)
David Hahn (Bedford District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland 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: 11:05:01

Moved by: L. McCullough

Seconded by: K. Gee

THAT the June 9th, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:02 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: S-16-11-P (McInnes)

Speaking to the application: Thad Reynolds, agent

Discussion

The subject lands consist of 98+/- acres with frontage on Snider Road, District of Portland. The applicants are seeking approval for the creation of a 3+/- acre residential lot, with 270 ft. of road frontage. The retained parcel will still have substantial road frontage.

RESOLUTION: C of A: 11:05:02

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-16-11-P by Ralph & Carol McInnes to create a residential lot in concession 14, lot 12, District of Portland, subject to conditions.

Carried

Application No:	S-16-11-P
Owner:	Ralph & Carol McInnes
Location of Property:	Concession XIV, Lot 12, Snider Rd. District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	June 9, 2011
Date of Decision:	June 9, 2011

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-16-11-P shall be for a 3+/- acre lot, with a minimum of 250 ft. frontage on Snider 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 retained lands 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 #5: MV-20-10-B (Ahern)

Speaking to the Application: Michele Ahern

Discussion

The applicant's property consists of approximately .91+/- acres and is developed with a seasonal dwelling, deck and accessory building. The cottage is located 70 ft. from the high water mark of Devil Lake and the deck is 60 ft. from the lake. The applicant wishes to demolish the existing dwelling and deck, and replace it with a larger dwelling, to be located 70 ft. from high water mark (66 ft. to deck). Therefore, although the new structure will be larger, it will not be closer to the water. The applicant is somewhat constrained by the existence of a right-of-way through the property at the rear of the cottage. The Chief Building Official agrees that it would be difficult to move the cottage back further; however, he also points out that it would be difficult for the new structure to make use of the existing foundation, as indicated on the application.

A decision on the application was deferred at a previous meeting because a report was not available from Public Health. A report is now available and Public Health has no objection. The applicant will need to obtain a permit from the CRCA.

Committee members from Bedford had not had an opportunity to visit the site, and therefore wished to have the application deferred again. L. Mills noted that he would also like to review the site in more detail.

RESOLUTION: C of A: 11:05:03

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-20-10-B by James & Michele Ahern, to construct a new dwelling in concession 10, lot 8, District of Bedford, within the 30m setback from the high water mark of Devil Lake, to provide an opportunity for staff and Committee members to visit the site.

Carried

Item #6: MV-08-11-P (Semeniuk)

Speaking to the application: Rick Semeniuk

Discussion

The applicant's property consists of approximately 2 acres, with frontage on Hardwood Creek and a private lane. The applicant is seeking approval for a variance to permit construction of a pool 73 ft. from HWM, with an apron 65 ft. from the high water mark. Because this lot has a site plan agreement registered on title which prohibits any development within the 30m setback, the applicant will be required to have the agreement amended.

RESOLUTION: C of A: 11:05:04

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-08-11-P by Rick Semeniuk, to construct a pool in concession 10, lot 8, District of Portland, within the 30m setback from the high water mark of Hardwood Creek, subject to conditions.

Carried

Application No:	MV-08-11-P
Owner:	Rick & Tracey Semeniuk
Location of Property:	Pt. Lot 8 , Concession 10, Hardwood Creek, District of Portland, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit construction of an accessory structure (pool) within 30m of the HWM and section 5.24.2 to permit location of accessory structure in front yard.
Date of Hearing:	June 9, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a 16 ft. x 40 ft. pool, with an 8 ft. apron, to be located a minimum of 65 ft. from the high water mark.**
- 2. Minor variance MV-08-11-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 obtain a permit from Quinte Conservation prior to any development on the property.**
- 5. The existing site plan agreement registered on title to the property prohibiting any development within 30 m of the high water mark, shall be amended at the applicant's expense, and in a manner satisfactory to the Township, to allow for the current development proposal.**

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

Item #7: MV-09-11-B (Fitzsimmons/Grant)

Speaking to the Application: Jen Fitzsimmons, Chris Grant

Discussion

The applicant's property consists of approximately 2 acres, with frontage on Deyos Road and Oakwood Lane and a private lane. The applicant is seeking approval for a variance to permit construction of a garage closer to the front lot line than the principal building. Technically, the front lot line would be Deyos Road since this is not a waterfront lot. However, the owners access the property off of Oakwood Lane. In either case, the accessory building would be closer to the front lot line than the dwelling.

RESOLUTION: C of A: 11:05:05

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-09-11-B by Jen Fitzsimmons & Chris Grant, to construct an accessory building in front of the principal building, in concession 3, lot 6, District of Bedford, subject to conditions.

Carried

Application No:	MV-09-11-B
Owner:	Jen Fitzsimmons, Chris Grant
Location of Property:	Pt. Lot 6, Concession 3, Deyos Road and Oakwood Lane, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.24.2 of the Comprehensive Zoning By-law to permit construction of an accessory structure in front yard.
Date of Hearing:	June 9, 2011
Date of Decision:	June 9, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a 24 ft. x 30 ft. accessory building, with a maximum height of 18 ft., to be located a minimum of 40 ft. from front lot line (Deyos Road).**
- 2. Minor variance MV-09-11-B 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.**

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

Item #8: MV-10-11-S (Howie)

Speaking to the Application: Shawn Howie

Discussion

The applicant's property consists of approximately 1.1 acres, with frontage on Loughborough Lake and a private lane. The applicant is seeking approval for a variance to permit construction of a deck to join two existing decks which are to be reconstructed at their existing size. The CBO has expressed some concern about the extent of development so close to the lake.

Committee members felt that the amount of new construction was minor. It will be necessary to ensure that the repairs to the existing decks do not result in the structures being any larger than at present. The Cataraqui Region Conservation Authority did not object to the application.

RESOLUTION: C of A: 11:05:06

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-10-11-S by Shawn & Stephanie Howie, to construct a deck addition within 30m of the high water mark in concession 1, lot 11, Loughborough Lake, District of Storrington, subject to conditions.

Carried

Application No:	MV-10-11-S
Owner:	Shawn & Stephanie Howie
Location of Property:	Pt. Lot 11, Concession 1, 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 addition to a dwelling within the 30m required setback from the high water mark
Date of Hearing:	June 9, 2011
Date of Decision:	June 9, 2011
DECISION:	VARIANCE GRANTED, subject to conditions

CONDITIONS

1. **The variance is limited to reconstruction of a 120 sq. ft. deck, 25 ft. from the HWM, to provide a connection between the existing decks which are being reconstructed. The decks which are being reconstructed shall be no larger than the existing footprints.**
2. **Minor variance MV-10-11-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **A building permit is required for all demolition and construction on the property. There shall be no additional development, 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 the Cataraqui Region Conservation Authority for any development on the property, including shoreline or in-water works, and docks.**

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

Item #9: MV-11-11-B (Machuk, Blanchard, Cable)
Speaking to the application: Paul Blanchard, Matt Cable

Discussion

The applicant's property consists of approximately 2.03 acres, on a peninsula in Bob's Lake. The applicant is seeking approval for a variance to permit replacement of 360 sq. ft. of the existing dwelling, which consists of a living space and a storage area, and the addition of 12sq. ft. The additions would be two storeys, and the final height of the structure would be no higher than the existing dwelling and would be a minimum of 70 ft. from the high water mark. Because staff was not clear on some parts of the applicant's proposal, it was not possible to circulate the application to agencies until the required information was provided. The necessary information was made available, but agency reports would not be provided until the next meeting. The application will therefore need to be deferred.

RESOLUTION: C of A: 11:05:07

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-11-11-B by P. Machuk, A. Blanchard and M. Cable, to reconstruct and enlarge a portion of a seasonal dwelling, within 30m of the high water mark of Bob's Lake, concession 4, lot 18, District of

30m of the high water mark of Bob's Lake, concession 4, lot 18, District of Bedford, pending receipt of reports from Public Health and Rideau Valley Conservation.

Carried

Item #10: MV-12-11-B (Slowey)

Speaking to the Application: Joe Bowes, agent

Discussion

The applicant's property consists of approximately .8 acres, with frontage on Kingsford Lake and Canoe Lake Road. The applicant is seeking approval for a variance to permit construction of a dwelling closer to the front lot line (road side) than the required 20 m as per the zoning by-law. This will keep the dwelling outside the 30 m setback from the high water mark. A neighbouring property owner has expressed concern that the sewage disposal system for the new dwelling may be too close to the neighbour's well. It appears from the Health Unit sketch, included with the applicant's permit, that the main part of the sewage system will be in the direction of the road, going underneath the driveway, and not towards the neighbour's property. However, a condition has been added which will require confirmation from Public Health as to the closest distance between any part of the sewage disposal system and the neighbour's well.

RESOLUTION: C of A: 11:05:08

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-12-11-B by Charles & Lori-Lynn Slowey to construct a dwelling within the required 20m setback from the front lot line, concession 6, lot 4, District of Bedford, subject to conditions.

Carried

Application No:	MV-12-11-B
Owner:	Charles & Lori-Lynn Slowey
Location of Property:	Pt. Lot 4, Concession 1, Canoe Lake Road/Kingsford Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 8.3.1 of the Comprehensive Zoning By-law to permit development of a dwelling within the 20m required front yard setback
Date of Hearing:	June 9, 2011
Date of Decision:	June 9, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a 36 ft. x 46 ft. one and one-half storey dwelling, 36 ft. from the front lot line.**
- 2. Minor variance MV-12-11-B 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 provide details from KFL&A Public Health as to the distance between the proposed sewage disposal system on the property, and the well on the property to the south.**

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

Item #10: Amendment of conditions S-70-10-S (Zaremba)

The severance was to create a new lot with an existing dwelling, and the retained parcel contains an accessory building. Because accessory buildings are not permitted on residential properties which do not have a principal building, an amendment to the conditions of consent is requested to require that the accessory building be removed prior to the stamping of the deed for the severed lot. The applicant has no objection to this requirement.

RESOLUTION: C of A: 11:05:09

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of consent application S-70-10-S by Chris Zaremba, concession 11, lot 17, District of Storrington, to include the following condition:

“The accessory building located on the retained parcel shall be removed prior to the stamping of the deed for the severed lot”.

Carried

Item #11: Adjournment

RESOLUTION: C of A: 11:05:10

Moved by: L. York

Seconded by: K. Gee

THAT the June 9, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:50 p.m. to reconvene on Thursday, July 14th, 2011 at 7:00 p.m. or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-
Treasurer