

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 13:04
MAY 9, 2013**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: 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)

ABSENT WITH REGRETS: Larry York (Storrington 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: 13:04:01

Moved by: K. Gee

Seconded by: L. McCullough

THAT the May 9, 2013 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

R. Vandewal declared a pecuniary interest with regard to item 7(b) on the agenda.

Item #4: Approval of Minutes

RESOLUTION: C of A: 13:04:02

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the minutes of the April 9, 2013 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: S-10-13-P, S-11-13-P (Soule, Robertson)Discussion

The subject property consists of 45+ acres with frontage on Murvale and Amey Road, and is developed with a dwelling and accessory buildings. The proposal is for the creation of 2 residential lots, two acres each, to front on Amey Road. The applications came to the Committee at the April 11th meeting, but was deferred to provide additional opportunity for staff to examine the site in light of the concerns expressed by Roads re water/drainage on the proposed lots. Following that meeting, the Planner and Chief Building Official attended at the site, and a discussion was also held with the agent, Eric Soule. The staff opinion is that the issue of low-lying land does not appear to present a problem. However, Mr. Soule did suggest that he felt it would not be a good idea for someone to build a full in-ground basement. Therefore, a condition is included which requires that the basement slab be a maximum of 4 ft. below the level of the public road.

RESOLUTION: C of A: 13:04:03

Moved by: W. Robinson

Seconded by: L Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-10-13-P by Andrea Soule and Suzanne Robertson, to create a residential lot in concession 3, lot 1, Amey Road, District of Portland, subject to conditions.

Carried

| | |
|--------------------------------|---|
| Application No: | S-10-13-P |
| Owner: | Andrea Soule, Suzanne Robertson |
| Location of Property: | Concession 3, Lot 1, Amey Road, District of Portland, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot |
| Date of Hearing: | April 11, 2013 |
| Date of Decision: | May 9, 2013 |

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-10-13-P shall be for a 2+ acre lot, with 250+ ft. frontage on Amey 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.

8. The applicant shall enter into a site plan agreement with the Township, under section 41 of the Planning Act, to ensure that the floor slab for the foundation of any residence built on the site is a maximum of 4 ft. below the level of the Township Road.

RESOLUTION: C of A: 13:04:04

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-11-13-P by Andrea Soule and Suzanne Robertson, to create a residential lot in concession 3, lot 1, Amey Road, District of Portland, subject to conditions.

Carried

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|--------------------------------|---|
| Application No: | S-11-13-P |
| Owner: | Andrea Soule, Suzanne Robertson |
| Location of Property: | Concession 3, Lot 1, Amey Road, District of Portland, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot |
| Date of Hearing: | April 11, 2013 |
| Date of Decision: | May 9, 2013 |

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-11-13-P shall be for a 2+ acre lot, with 250+ ft. frontage on Amey 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.
8. The applicant shall enter into a site plan agreement with the Township, under section 41 of the Planning Act, to ensure that the floor slab for the foundation of any residence built on the site is a maximum of 4 ft. below the level of the Township Road.

Item #6: MV-24-12-B (Pichora)

Speaking to the Application: Mac Gervan, agent

Discussion

This application is for approval of additions to an existing dwelling on Devil Lake. The applicants had previously received approval to construct a new dwelling further from the lake, but subsequently decided to apply for these additions. The application includes the removal of a portion of the original dwelling and an existing deck, and the construction of an addition to the dwelling, including a screened porch. The proposal has been revised so that no development is proposed within 50 ft. of the high water mark. The total footprint, according to a proposal submitted on March 21, 2013, would be 2,061 sq. ft. This includes decks and screened porch, and does not exceed the 5% permitted lot coverage. Although the revised proposal moves the dwelling slightly further from the lake, the proposed footprint is actually 120 sq. ft. larger. An Environmental Impact Assessment was submitted in support of the application, but there was concern expressed at the April meeting about the fact that the impact of additional construction and the potential need for re-vegetation were not addressed. An addendum to the original EIA has been submitted. Committee members did not want to make a decision on the application without input from the Bedford District representatives, neither of whom was able to attend the April meeting.

L. Mills did not support the application as submitted.

RESOLUTION: C of A: 13:04:05

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-24-12-B by David & Deborah Pichora to permit additions to existing dwelling in concession 9, lot 22, Devil Lake, District of Bedford, as amended, subject to conditions.

Carried

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|--------------------------------|---|
| Application No: | MV-24-12-B |
| Owner: | David & Deborah Pichora |
| Location of Property: | Pt. Lot 9 Concession 12, Devil 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: | February 14, 2013 |
| Date of Decision: | May 9, 2013 |

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. **The variance is limited to the demolition of 265 sq. ft. of the existing dwelling and demolition of the existing 300 sq. ft. deck on the southwest side of the cottage, and the construction of a 491 sq. ft. single storey addition to the cottage, a 291 sq. ft. screened porch on the north side of the existing dwelling, and a 286 sq. ft. deck on the northwest side. All development will be a minimum of 50 ft. from the high water mark. No basement space will be added to the dwelling. The existing stand-alone deck located within the 30m setback shall be removed.**
2. **No other structures shall be permitted within the 30m setback from the high water mark.**
3. **Minor variance MV-24-12-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 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, and for construction of docks, and shoreline or in-water works. The agreement will also require compliance with the mitigation measures outlined in item 5 of the Scoped Environmental Assessment.**

REASON FOR DECISION: The variance has been approved by agencies, there have been no objections from the public, and the proposal is considered to maintain the general intent of the Township's official plan and zoning by-law.

Item #7: S-15-13-S (Mobile Kitchens Canada)

Speaking to the Application: S. Shire, on behalf of applicant

Discussion

The subject property consists of 2.47 acres fronting on Davidson Road. The property is used commercially by Mobile Kitchens Canada. The purpose of this application is to add 14,500 +/- sq. ft. to property at 3898 Holmes Road. The result will be the enlargement of a residential lot which is quite small, while still maintaining more than 2 acres with the Mobile Kitchens property.

RESOLUTION: C of A: 13:04:06

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-15-13-S by Mobile Kitchens Canada Inc. to create a lot addition in concession 2, lot 19, District of Storrington, subject to conditions.

Carried

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|--------------------------------|--|
| Application No: | S-15-13-S |
| Owner: | Mobile Kitchens Canada Inc. |
| Location of Property: | Concession 2, Lot 19, Davidson Road, District of Storrington |
| Purpose of Application: | Creation of lot addition |
| Date of Hearing: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

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-15-13-S shall be for a 14,500 +/- sq. ft.+/- lot addition only to 3898 Holmes Road, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act. The applicant's solicitor shall provide verification that the transferee's property and the lot addition cannot be sold or transferred independently of each other.**
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 lot addition parcel will require a rezoning to Urban Residential – First Density.**

Item #8: S-16-13-L (Vandewal)

Committee Chair, R. Vandewal, vacated the Chair, and Vice-Chair, David Hahn, assumed the Chair.

Discussion

The subject property consists of 185+/- acres with frontage on Rutledge and Keeley Roads, and is developed with a dwelling and accessory buildings. The proposal is for the creation of a 2.12 acre residential lot, fronting on Keeley Road. There have been no objections from agencies or staff, One letter of objection was received from a neighbouring property owner, who expressed concern about over-development of the area, and about the potential impact on neighbouring wells. Staff have responded to the letter writer to clarify the rules regarding maximum number of severances, and also to indicate that this area was not identified in a recent ground water study as being sensitive in terms of quantity or quality of water.

RESOLUTION: C of A: 13:04:07

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-16-13-L by Ronald Nancy Vandewal, to create a residential lot in concession 4, lot 10, Keeley Road, District of Loughborough, subject to conditions.

Carried

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| Application No: | S-16-13-L |
| Owner: | Ronald & Nancy Vandewal |
| Location of Property: | Concession 4, Lot 10, Keeley Road, District of Loughborough, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot with existing dwelling |
| Date of Hearing: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

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-16-13-L shall be for a 2+ acre lot, with 250 + ft. frontage on Keeley 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.

R. Vandewal re-assumed the Chair

Item #9: S-17-13-S (Sands, Flood)

Speaking to the Application: Jenna Flood

Discussion

The subject property consists of 15.8 +/- acres with frontage on Milburn Road, and is developed with a dwelling and accessory buildings. The proposal is for the creation of a 5.8 acre residential lot, fronting on Milburn Road. There were no objections from agencies or staff, but a neighbouring property owner spoke with staff by phone and expressed some concerns about the proximity to a nearby barn. An MDS calculation was prepared prior to a previous severance of a lot on the opposite side of the subject property. With this setback in mind, there will be some areas very close to the road where a prospective owner would not be able to build, but the majority of this new large lot will be outside the MDS arc. A condition has been included which requires a surveyed MDS arc and a site plan agreement specifying no residential development within that arc.

RESOLUTION: C of A: 13:04:08

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-17-13-S by Corey Sands and Jenna Flood, to create a residential lot in concession 8, lot 7, Milburn Road, District of Storrington, subject to conditions.

Carried

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| Application No: | S-17-13-S |
| Owner: | Corey Sands, Jenna Flood |
| Location of Property: | Concession 8, Lot 7, Milburn Road, District of Storrington, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot |
| Date of Hearing: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

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-17-13-S shall be for a 5+ acre lot, with 250 + ft. frontage on Milburn Road. The surveyor shall identify any part of the severed lot which lies within the required 155 m minimum distance separation from the barn on the south side of Milburn Road across from the subject property.**
- 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.
 8. The applicants shall enter into a site plan agreement under section 41 of the Planning Act which will identify the no-build area for the principal building within the minimum distance separation arc as per the attached survey.

Item #10: S-18-13-P (Dunn)

Speaking to the Application: Robert Dunn

Discussion

The subject property consists of 142+/- acres with frontage on Verona Sand Road, and is developed with a dwelling and accessory buildings. The proposal is for the creation of a 3 acre residential lot, fronting on Verona Sand Road. The Roads Department has indicated that the entrance will need to be at the top of the hill. It has also been pointed out that there was water lying in the field at the time of the Roads inspection, and would suggest that any dwelling should be located on the west side of the lot. According to the report from Public Health, this is where the test holes have been dug, thus suggesting that this is the preferred house location.

RESOLUTION: C of A: 13:04:09

Moved by: L .Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-18-13-P by Robert and Karen Dunn, to create a residential lot in concession 11, lot 14, Verona Sand Road, District of Portland, subject to conditions.

Carried

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| Application No: | S-18-13-P |
| Owner: | Robert & Karen Dunn |
| Location of Property: | Concession 11, Lot 14, Verona Sand Road, District of Portland, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot |
| Date of Hearing: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

6. 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.
7. The land to be severed by Consent Application S-18-13-P shall be for a 2+ acre lot, with 250 + ft. frontage on Verona Sand Road.
8. 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.)
9. 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.
10. 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:

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for the purpose of widening the adjacent highway pursuant
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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 #11: S-20-13-P (Dumbleton)

Speaking to the Application: Judy Dumbleton

Discussion

The subject property consists of 93+/- acres with frontage on Wilton Road and is vacant. The proposal is for the creation of a 2 acre residential lot fronting on Wilton Road, and a 2 acre lot addition to property at #3289 Wilton Road. There have been no objections to the application, although the Roads Department has indicated that the entrance will have to be centred between the entrances on either side of the new lot. It has also been noted that the lot is very steep. The Committee agreed to require a stopping area before entering the road.

RESOLUTION: C of A: 13:04:10

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves the creation of the new lot applied for through application S-20-13-P, by Judy Dumbleton, in concession 1, lot 11, Wilton Road, District of Portland, subject to conditions.

Carried

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| Application No: | S-20-13-P |
| Owner: | Judy Dumbleton |
| Location of Property: | Concession 1, Lot 11, Wilton Road, District of Portland, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot |
| Date of Hearing: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

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-20-13-P shall be for a 2+acre lot, with 250+ ft. frontage on Wilton 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 new severed lot 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 for the new lot demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.
8. The applicants shall obtain an entrance permit and install the entrance onto the severed lot prior to the stamping of the deed. The entrance shall provide for a stopping area, constructed to the satisfaction of the Roads Department, to enable the owner of the lot to stop before entering onto the public road.

RESOLUTION: C of A: 13:04:10A

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves the lot addition applied for through consent application S-20-13-P by Judy Dumbleton, concession 1, lot 11, Wilton Road, District of Portland, subject to conditions.

Carried

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| Application No: | S-20A-13-P |
| Owner: | Judy Dumbleton |
| Location of Property: | Concession 1, Lot 11, Wilton Road, District of Portland, Township of South Frontenac |
| Purpose of Application: | Creation of residential lot, and lot addition |
| Date of Hearing: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

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-20A-13-P shall be for a 2+/- acre lot addition to 13R782, part 1. Any subsequent conveyance of the lot addition parcel shall be subject to Section 50(3) of the Planning Act. The applicant's solicitor shall provide verification that the transferee's property and the lot addition cannot be sold or transferred independently of each other.
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 for the lot addition, in lieu of parkland, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item #12: S-21-13-B (Chartrand)

Speaking to the Application: William Lang

Discussion

The subject property consists of 6+ acres with frontage on Perth Road and Payne Lane. This lane provides a right-of-way for cottage owners on Buck Lake. One of these owners, Mr. Lang, has access over Payne Lane, but does not have a suitable location for parking. This application is for the purpose of providing a parking easement for the Lang property.

RESOLUTION: C of A: 13:04:11

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-21-13-B by Robert Chartrand, to create a parking easement in concession 12, lot 2, Payne Lane, District of Bedford, subject to conditions.

Carried

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| Application No: | S-21-13-B |
| Owner: | Robert Chartrand |
| Location of Property: | Concession 12, Lot 2, Buck Lake, District of Bedford |
| Purpose of Application: | Creation of parking easement |
| Date of Hearing: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

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 easement to be created by Consent Application S-21-13-B shall be for a 1600 sq. ft. parking easement in favour of property at 87 Payne 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 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 #13: S-22-13-S, S-23-13-S (1744968 Ont. Inc – Desrochers)

Speaking to the Application: George Desrochers

Discussion

The subject property consists of 200+/- acres with frontage on Battersea Road, and is developed with a barn which the applicant proposes to remove. The proposal is for the creation of 2 large residential lots, to front on Battersea Road. The applicant's preference would be to leave a 66 ft. wide strip with frontage on Battersea Road, between the two proposed lots, to provide access to the large property at the rear of the lots, and to allow for the possibility of a subdivision on the retained property. Staff recommended one of the following options: (a) survey the 66 ft. strip between the two lots as a separate part and include it with one of the severed lots – similar to the process with the Campbell property in Sunbury. There would be an agreement that if a subdivision was ever developed, this 66 ft. wide part would be deeded to the Township for \$1.00. The retained property would need to be added to property that the applicant owns on Ramparts Road since it would otherwise be landlocked; (b) create the two lots with no 66 ft. wide part (i.e. no future plan for a subdivision on the retained parcel). As with option (a), the retained parcel would need to be added to the applicant's Ramparts Road property; or (c) create only one new lot, and leave the rest of the road frontage attached to the retained parcel. This would not create parcels that were too irregular in shape, and would leave enough frontage with the retained parcel that the potential for a subdivision would still exist in the future, and there would be no need to attach the retained parcel to the Ramparts Road property.

The applications will need to be deferred at this time because the owner wanted an opportunity to consider the implications of the options, and also requires additional time to consult with Public Health.

RESOLUTION: C of A: 13:04:12

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-22-13-S and S-23-13-S by 1744968 Ontario Inc. to create lots in concession 10, lot 14, Battersea Road, District of Storrington, pending confirmation of final proposed layout of the lots, and receipt of a report from Public Health.

Carried

Item #14: MV-09-13-L (Marion)

Speaking to the Application: Roch Marion

Discussion

This application is for a variance to permit replacement of an existing dwelling with a new dwelling to be located 20.54m (67.4 ft.) from the high water mark. The dwelling would have a footprint of just under 1400 sq. ft. which is proposed to have a partial second storey, and a walk-out basement and garage under the main floor. In addition, the proposed decking would be 748.6 sq. ft., making the total footprint approximately 2150 sq. ft. A detached accessory building is also proposed outside the setback and therefore is not part of this variance request. The property is over 5 acres in size, and lot coverage is therefore not an issue. In order to meet the 30m setback, any new dwelling would need to be located behind the right-of-way which crosses the property and would therefore be a considerable distance from the water, and traffic on the right-of-way would be between the dwelling and the water. The applicants are proposing to install a new septic system on the southeast side of the right-of-way, and care will need to be taken to ensure that it does not encroach on the right-of-way.

Public Health requires a detailed sewage system plan before they can comment on the application. L. Mills commented that the proposed gross floor area would be very large, as is the proposed deck. He agreed with the CRCA report that the structure would need to be scaled back.

RESOLUTION: C of A: 13:04:13

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-09-13-L by Roch & Anne Marie Marion, concession 14, part lots 23 & 24, Buck Lake, District of Loughborough, pending receipt of report from Public Health.

Carried

Item #15: MV-11-13-S (Stroud, Pople)

Speaking to the Application: Shireen Pople

Discussion

In August of 2012, an application came before the Committee for a variance to permit construction of a new dwelling on property on Loughborough Lake. There had been a dwelling on the property previously but it was destroyed by fire in 2011, and a permit to rebuild had not been obtained within one year of the fire as required in the Township's Zoning By-law. The variance which was approved was for a raised bungalow, with a maximum footprint of 2000 sq. ft. However, the original application did not include a sunroom or small porch which the owners wish to construct. Therefore, they have now submitted another application, asking for an additional 318.2 sq. ft. – i.e. a total of 2318.2 sq. ft. However, the plans which were submitted to the Building Department by the applicants' builder show a total footprint of over 2400 sq. ft., including the front porch, but not including a 169 sq. ft. sunroom or a 205 sq. ft. open deck at the rear of the dwelling. Therefore, if the building plans as submitted were accepted, the dwelling would be significantly over the previously permitted 2000 sq. ft., even without the sunroom and back deck.

The Committee discussed 3 options: a) deny the application for any increased size and require that the total footprint be a maximum of 2000 sq. ft. as per the original application approval; b) allow the new variance so that the total footprint will be 2318.2 sq. ft. (which will mean a reduction in the plans as submitted to the building department); or c) permit the total footprint as shown on the building application, which would be 2806 sq. ft. L. Mills pointed out that the proposal is still smaller than the previous dwelling on the property which had been destroyed by fire.

Another issue to be taken into account relates to drainage adjacent to the property, and also the depositing of fill from the site. These concerns were brought to Planning staff's attention by an employee of the Roads Department, and a condition is included which addresses these issues.

RESOLUTION: C of A: 13:04:14

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-11-13-S by Rod Stroud & Shireen Pople, concession 3, part lot 14, Loughborough Lake, District of Storrington, conditional on a site visit between the applicants and representatives of the Township Roads Department to determine remedial action re any impact of the proposed development on road drainage in the area.

Carried

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| Application No: | MV-11-13-S |
| Owner: | Rod Stroud, Shireen Pople |
| Location of Property: | Pt. Lot 14, Concession 3, 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: | May 9, 2013 |
| Date of Decision: | May 9, 2013 |

DECISION: VARIANCE GRANTED, subject to conditions

CONDITIONS:

- The variance is limited to the construction of a raised bungalow with a maximum footprint of 2432 sq. ft. (including front porch), a 169 sq. ft. sunroom, and a 205 sq. ft. open deck, all to be located a minimum of 21 m from the high water mark of Loughborough Lake. (as per building plans submitted to the Township of South Frontenac Building Department).**

2. **No other structures shall be permitted within the 30m setback from the high water mark.**
3. **Minor variance MV-24-12-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, within 20 days of approval of the variance, (i.e. by 5:00 p.m. on May 29, 2013) meet on site with representatives of the Roads Department to obtain their written approval that all their concerns regarding drainage and placement of soil from the excavation of the dwelling, as well as any required remedial action, have been dealt with.**

REASON FOR DECISION: The variance has been approved by staff and agencies, and the proposal is considered to maintain the general intent of the Township's official plan and zoning by-law.

Item #16: Adjournment

RESOLUTION: C of A: 13:04:15

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the May 9, 2013 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, June 13, 2013, or at the call of the Chair.

Carried

Ron Vandewal
Chair

Lindsay Mills
Secretary-Treasurer