

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT**

**MINUTES 15:03
APRIL 9, 2015**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Mark Schjerning (Loughborough District-C)
John Sherbino (Loughborough District)
Bill Robinson (Portland District-C)
Larry Redden (Portland District)
Pat Barr (Bedford District-C)

ABSENT WITH REGRETS: Ron Sleeth (Storrington District-C)
David Hahn (Bedford District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Jennie Kapusta – Deputy Secretary Treasurer

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Item # 1: Call to Order

RESOLUTION: C of A: 15:03:01

Moved by: K. Gee

Seconded by: J. Sherbino

THAT the April 9, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:05 p.m. with Larry Redden in the Chair.

Carried

Item # 2: Adoption of Agenda

Approved as circulated

Item # 3: Declaration of Pecuniary Interest

None declared.

Item # 4: Approval of Minutes

RESOLUTION: C of A: 15:03:02

Moved by: M. Schjerning

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the March 12, 2015 meeting of the Committee, as circulated.

Carried

Item # 5: S-14-15-S (Campbell)

Speaking to the Application: Barry Campbell

Discussion:

The subject lands consist of 30.7 +/- hectares (76 acres) with 216 m. frontage on Wellington Street and 725 m. frontage on Dog Lake. The applicant has requested to sever one new waterfront residential lot. The proposed lot is 1.1 +/- hectares (2.7 acres) with 91 m. of frontage on Dog Lake and 76 m. frontage on an existing private right-of-way. The Rideau Valley Waterfront Development Review Team has evaluated the proposed lot and has no objections provided the proposed lot can either: a) meet the minimum required 91 m. water frontage or b) has a Special Zoning put in place to reflect the reduced water frontage (76 m. as determined by the RWDRT). Comments have yet to be received from Public Health. There was some Committee discussion, initiated by K. Gee, as to the shape of the proposed lot and whether it will meet the public road. Current proposal creates awkward small triangle along Wellington Street in order to ensure road frontage requirement is along existing right-of-way. L. Mills indicated that there are other options for rectifying this road frontage dilemma and it shall be resolved prior to the matter being brought back to the Committee.

RESOLUTION: C of A: 15:03:03

Moved by: P. Barr

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers Consent application S-14-15-S by Barry Campbell, to create a new waterfront residential lot, in Concession IX, Part Lot 21, Wellington Street, District of Storrington, until agency comments have been received or at the call of the Chair.

Carried

Item # 6: S-15-15-P (Braida)

Speaking to the Application:

Discussion:

The subject lands consist of 56.5 +/- hectares (139.5 acres) with 890 m. frontage on Wallace Road. The applicant has requested to sever one new residential lot. The proposed lot is 2.6 +/- hectares (6.5 acres) with 120 m. of frontage on Wallace Road. The proposed lot currently has a single family dwelling and several agricultural use accessory buildings on the property. Public Health has visited and determined the site has adequate space for secondary septic if needed. The Township Roads Department is fine with continued use of the current entrance. Comments from Conservation were not required. There is a very large barn located near the severed lot across Camden Portland Boundary Road to the west. In the opinion of Planning this barn is dilapidated to the point that it can no longer be used to house animals. For this reason a MDS is not being applied.

RESOLUTION: C of A: 15:03:04

Moved by: P. Barr

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves Consent application S-15-15-P by Susan Braida, to create a new residential lot, in Concession IV, Part Lots 16 & 17, Wallacet Road, District of Portland, subject to conditions.

Carried

Application No:	S-15-15-P
Owner:	Henry Balfour, William Balfour, Derek Balfour
Location of Property:	Concession IV, Part Lot 16 & 17, Wallace Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of a new residential lot
Date of Hearing:	April 9, 2015
Date of Decision:	April 9, 2015

DECISION: PROVISIONAL CONSENT BE 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-15-15-L shall be for a 2.6 +/- hectare (6.6 acre) lot with a minimum of 76 m. of frontage on Wallace 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 shall be sealed in accordance with the requirements of the Ministry of the Environment and that this work is 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 lands 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, 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. Prior to stamping of the deeds, the applicant shall construct a new entrance to access the retained parcel. Please see the Township Roads Department to obtain an entrance permit prior to construction of this entrance.

Item # 7: S-16-15-P (Smith)

Speaking to the Application: Rob Smith

Discussion:

The subject lands consist of 36.1 +/- hectares (89.1 acres) with 214 m. frontage on Jamieson Road. The applicant has requested to sever one new residential lot. The proposed lot is 2.6 +/- hectares (6.5 acres) with 76 m. of frontage on Jamieson Road. Public Health has visited the site and has no objections. The Township Roads Department has approved a new entrance, with specific conditions regarding the existing drainage ditch and location of driveway. Comments from Conservation were not required. L. Mills noted that upon further consideration there may need to be an alteration to the proposed lot lines

in order to facilitate access to the rear portion of the retained parcel. There is a wetland area on the west side of the retained parcel which requires a minimum 30 m. clearance for all construction, including driveways. Rob Smith indicated he had addressed the water and beaver damn issues and along the west side of the property in addition to discussing drainage ditch and culvert options with Brian Kirk of the Township Roads Department. B. Kirk stipulated where the driveway entrance locations were to be for the proposed lot and the retained parcel, as well as he indicated to Mr. Smith that he was not to disturb the existing drainage ditch. The Committee agreed to pass the proposed application with the stipulation of an added condition reflecting the discussions regarding the precise location of the lot lines and required approval by the Township prior to stamping of the deeds for the new lot.

RESOLUTION: C of A: 15:03:05

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-16-15-P by Don Smith, to create a new residential lot, in Concession VI, Part Lot 2, Jamieson Road, District of Portland, subject to conditions.

Carried

Application No:	S-16-15-P
Owner:	Don Smith
Location of Property:	Concession VI, Part Lot 2, Jamieson Road, District of Portland
Purpose of Application:	Creation of a new residential lot
Date of Hearing:	April 9, 2015
Date of Decision:	April 9, 2015

DECISION: PROVISIONAL CONSENT BE 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-16-15-L shall be for a 2.6 +/- hectare (6.5 acre) lot with a minimum of 76 m. of frontage on Jamieson Road.
3. Prior to stamping of the deeds, the Township shall approve the adjusted lot lines for the land to be severed by Consent Application S-16-15-L, as per the discussions of the Committee.
4. 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.)
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment and that this work is accomplished prior to the stamping of the deeds.
6. 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.
7. 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 lands 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, 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.
8. Prior to stamping of the deeds, the applicant shall construct a new entrance to access the lot to be severed by consent application S-16-15-P. Please see the Township Roads Department to obtain an entrance permit prior to construction of this entrance.

Item # 8: MV-03-15-B (Havelock)

Speaking to the Application:

Discussion:

The subject land consists of 1.6 +/-hectares (4 acres) with 142 ft. of frontage on Bobs Lake. The proposal involves the construction of a 32 ft. by 28 ft. garage, with a height of 23.7 ft. The by-law does not permit the height of accessory buildings to be greater than 19.7 ft. for the reason that accessory buildings should not dominate the appearance of the residential property. Accessory buildings should be of a smaller mass than the principal building. The proposed structure would be well screened by mature tree coverage so the intent is met. Comments from public health and Conservation were not required. Committee had a question as to the use of the proposed structure given that the application indicated extra living space was indicated as the use. It was confirmed that the additional space can be used for storage only and a condition to this effect has been included in the variance approval.

RESOLUTION: C of A: 15:03:06

Moved by: P. Barr

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-03-15-B by David Havelock, to permit an increase in height of an accessory building to allow a planned garage storage building, in Concession V, Part Lot 24, Sunset Shores Lane, District of Bedford, subject to conditions.

Carried

Application No:	MV-03-15-B
Owner:	Paul & Leslie Patterson
Location of Property:	Concession V, Part Lot 24, Sunset Shores Lane, Bobs Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 12.3.2 of the Comprehensive Zoning By-law to permit an increase in accessory building height
Date of Hearing:	April 9, 2015
Date of Decision:	April 9, 2015

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. The variance is for the construction of a 32 ft. by 28 ft. garage with a maximum height of 23.7 ft. (storage loft permitted but no living space).
2. Minor variance MV-03-15-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 enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental and limited service policies, and which specifies that a permit will be required from the Rideau Valley Conservation Authority for any shoreline or in-water works.

Item # 9: MV-04-15-B (Nolan)

Speaking to the Application: Mike & Brenda Nolan

Discussion:

The subject land consists of 1.8 +/-hectares (4.5 acres) with 84 m. of frontage on Tett Crescent. The proposal involves the construction of a 26 ft. by 56 ft. pool enclosure, including a 36 ft. by 18 ft. pool and a 12 ft. by 8 ft. pool shed. Section 5.24.2 of the Comprehensive Zoning By-law does not permit any detached accessory uses to be located in front of the principal building; swimming pools are considered an accessory use and are subject to these restrictions. However, the intent of this provision is to prevent unsightly accessory uses such as sheds or workshops from locating in plain view causing incompatibilities with neighbouring properties. The proposed structures would be screened from the road and the neighbouring properties by mature tree coverage and large setbacks so the intent is met. Comments from Public Health and Conservation were not required.

RESOLUTION: C of A: 15:03:07

Moved by: P. Barr

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-04-15-B Michael & Brenda Nolan, to permit the construction of a pool in the front yard, in Concession XIV, Part Lots 10 & 11, Tett Crescent, District of Bedford, subject to conditions.

Carried

Application No:	MV-04-15-B
Owner:	Michael & Brenda Nolan
Location of Property:	Concession XIV, Part Lot 10 & 11, Tett Crescent, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.23.1 of the Comprehensive Zoning By-law to permit a swimming pool in front of the principal building.
Date of Hearing:	April 9, 2015
Date of Decision:	April 9, 2015

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. The variance is for the construction of a 26 ft. by 56 ft. pool enclosure, including a 36 ft. by 18 ft. pool and a 12 ft. by 8 ft. pool shed to be located in the front yard and a minimum of 80 m. from Tett Crescent.
2. Minor variance MV-04-15-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 erect a fence or enclosure around the pool in accordance with the Township's swimming pool by-law.

Item # 10: Other Business

L.Mills gave a brief presentation on Minor Variances for the benefit of the new Committee members and as a refresher for returning members.

Item # 11: Adjournment

RESOLUTION: C of A: 15:03:08

Moved by: K. Gee

Seconded by: J. Sherbino

THAT the March 12, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:50 p.m. to reconvene at 7:00 p.m. on Thursday, May 14, 2014 or at the call of the Chair.

Carried

Larry Redden
Chair

Lindsay Mills
Secretary-Treasurer