

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 13:07
AUGUST 8, 2013**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Larry York (Storrington District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)
David Hahn (Bedford District)

ABSENT WITH REGRETS: Del Stowe (Bedford 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: 13:07:01

Moved by: D. Hahn

Seconded by: L. Redden

THAT the August 8, 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

None

Item #4: Approval of Minutes

RESOLUTION: C of A: 13:07:02

Moved by: L. McCullough

Seconded by: K. Gee

THAT the minutes of the July 11, 2013 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: S-31-07-03 (Normand)

Speaking to the Application: Clem Normand

Discussion

The subject lands consist of 14+ acres fronting on Dog Lake and Carrying Place Road. Tourist cabins and camp sites are located on the property. The applicants are proposing to sever a parcel containing 3 cabins, and to retain the remainder of the property which will also continue to be used for Recreational Resort Commercial uses. The shape of the severed lot needed to be adjusted from the original application. Also, the CBO had noted that one of the septic fields appeared to be very close to the proposed new line, and that it is quite old. Initially, the application was not forwarded to Public Health but was circulated to them following the July meeting. Their report has been received and is favourable.

RESOLUTION: C of A: 13:07:03

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-31-13-S by Clem & Clare Normand to create a recreational resort commercial lot in concession 9, lot 20/21, Burnt Hills Lodge, District of Storrington, subject to conditions.

Carried

Application No:	S-31-13-S
Owner:	Clem & Clare Normand
Location of Property:	Concession 9, Lot 20/21, Burnt Hills Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of 4+ acre resort commercial lot
Date of Hearing:	July 11, 2013
Date of Decision:	July 11, 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-31-13-S shall be for a 4+/- acre lot with 3 resort cabins. 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.)**
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 2% 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 obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to recognize the number of commercial sites/structures on the severed and retained parcels.

Item #6: (Fullerton)

Speaking to the Application: David Fraser

Discussion

The applicants' property is a 2.4 acre island in Loughborough Lake, and is developed with a single family dwelling, boat house and storage building. The original proposal was for a 10+ ft. wide deck to be constructed along the water side of the dwelling. The CRCA and the Building Department expressed the opinion at that time that the deck could be constructed on a different side of the dwelling where the setback would be greater. At the October, 2012, meeting of the Committee, the applicants' agent indicated that there were no other doors from the cottage which could be accessed from a deck. One suggestion that was made was that the deck be allowed in front of the cottage only as far as is necessary to access the door, but not as wide as requested, and not all the way across the front.

The current plan is still for a deck along the full frontage of the cottage, although it does not protrude beyond the south wall of the cottage, and is reduced slightly in size from the previous proposal. CRCA had recommended denial of the previous application, noting that the proposed structure (already partially constructed) was just 12 m from the high water mark. A new report has been received from CRCA in which they indicate general satisfaction with the encroachment of the revised deck proposal as it now more closely reflects the previously disturbed area associated with the pre-existing concrete area and landing. However, they do not support the extension of the deck beyond either the east or west side of the dwelling, and they recommend a requirement in the conditions of a vegetative buffer between the deck and the water. D. Hahn indicated that he did not think any deck should be closer than 50 ft. from the water. Storrington Committee members indicated that they would like an opportunity to view the site once more to consider the proposed revision to the application.

RESOLUTION: C of A: 13:07:04

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-15-12-S by James & Susan Fullerton, to permit deck addition to existing island residence, within 30m setback from Loughborough Lake, concession 10, lot 8, District of Storrington, pending clarification of proposal and a site visit.

Carried

Item #7: MV-04-13-B (Finlay, Catana)

Speaking to the Application.....

Discussion

This application is for a variance to permit addition to an existing seasonal dwelling. It is proposed that the existing dwelling be moved 32 ft. further from the lake and placed on a full basement (there is a basement under the cottage at present), and that a 232 sq. ft. single storey addition be added at the northeast corner of the cottage. This application was deferred previously because approval had not been received from Public Health. The Rideau Valley Conservation Authority has no objection, and has commended the owners for their efforts in their attempts to preserve the natural environment and water quality. A report is now available from Public Health and is favourable.

RESOLUTION: C of A: 13:07:05

Moved by: D. Hahn

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-04-13-B by Steve Finlay and Sandra Catana, to permit relocation of, and addition to, seasonal dwelling within 30m setback from Crow Lake, concession 5, lot 33/34, District of Bedford, subject to conditions.

Carried

Application No:	MV-04-13-B, as amended
Owner:	Steve Finlay, Sandra Catana
Location of Property:	Pt. Lot 33/34, Concession 5, Crow 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:	June 13, 2013
Date of Decision:	August 8, 2013

DECISION: VARIANCE APPROVED, as amended, subject to conditions

CONDITIONS

1. **The variance is limited to the relocation of an existing dwelling, with basement, 32 ft. further from the high water mark, and construction of a 232 sq. ft. single storey addition on the north side of the dwelling.**
2. **No other structures shall be permitted within the 30m setback from the high water mark.**
3. **Minor variance MV-04-13-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 incorporates the recommendations of the Rideau Valley Conservation Authority in their report of June 4, 2013, including maintenance of existing limited water access stairway and limited shoreline alteration, regeneration/re-vegetation of area around current cottage site, and the requirement for a permit for any shoreline work.**

REASON FOR DECISION: The variance, with amendments, has been approved by staff, the variance is considered to be in keeping with the intent of the official plan and zoning by-law, and the proposed location appears to be the most suitable on the property.

Item #8: MV-17-13-B (Dickson)

Speaking to the Application: Lee Dickson

Discussion

The applicants had originally applied for a variance to permit construction of a 280 sq. ft. sleeping cabin, to be located 60 ft. from the high water mark of Kingsford Lake. The proposal was supported by Public Health and CRCA, although with the proviso that the structure be moved back slightly further from the lake. At the July 11th meeting of the Committee, there was discussion about the possibility of adding decks to the existing dwelling, which the applicants preferred, but which would mean an increase in lot coverage to more than 5%. It was indicated that decks had been part of a previous variance proposal in 2002, and of subsequent building department discussions, but for various reasons were never constructed.

Staff have reviewed the previous variance approved in 2002, as well as all documents in the building and property files but have been unable to find a reference to a deck in these files. CRCA was asked for a follow-up report on this amended application, and have commented that they could support the addition of a deck but of a lesser size than requested. This support comes with the condition that there be no sleeping cabin constructed.

Planning staff would support a deck beginning at the door on the west side of the dwelling and extending to the rear door, but at a much narrower width than proposed.

RESOLUTION: C of A: 13:07:06

Moved by: D. Hahn

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-17-13-B by Lee & Laura Dickson, as amended, to permit addition of deck to seasonal dwelling within 30m setback from Kingsford Lake, concession 7, lot 6, District of Bedford, subject to conditions.

Carried

Application No:	MV-17-13-B (Amended)
Owner:	Lee & Laura Dickson
Location of Property:	Pt. Lot 6, Concession 7, 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:	August 8, 2013
Date of Decision:	August 8, 2013

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to the construction of a 488 sq. ft. deck, as shown on the applicants' sketch dated August 8, 2013. The deck shall be a minimum of 66 ft. from the high water mark of Kingsford Lake.**
- 2. No other structures shall be permitted within the 30m setback from the high water mark.**
- 3. Minor variance MV-17-13-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 all development on the property, including construction of a deck, docks, and shoreline or in-water works.

REASON FOR DECISION: The Committee believed that a deck had been intended as part of an earlier variance and building permit application, and that the construction of this deck was appropriate for the development of the property.

Item #9: S-34-13-L (Fellows)

Speaking to the Application : Cecil Fellows

Discussion

The subject property consists of 81+/- acres fronting on Forest Road, and is developed with a single family dwelling and accessory buildings. The application is for the addition of 25+/- acres to a residential lot at #3028 Forest Road. A letter has been received from the owner of property across the road and to the west of the proposed lot addition, expressing concern about the potential for a negative impact on her well. Accessory buildings could be constructed on the property as it currently exists and the lot addition will not change that nor is there a possibility of a second residence on the subject property regardless of ownership.

Committee members discussed the need for some protection against construction close to neighbouring property owners' rear lot lines. It was agreed that a rezoning to a Special Rural Zone should be applied to the property to ensure that no buildings would be permitted within 30m of the lot lines of the residential lots which front on Forest Road.

RESOLUTION: C of A: 13:07:07

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-34-13-L by Janice Fellows, to create a 25+/- acre lot addition to #3028 Forest Road, concession 2, lot 2, District of Loughborough, subject to conditions.

Carried

Application No:	S-34-13-L
Owner:	Janice Fellows
Location of Property:	Concession 2, Lot 2, Forest Road, District of Loughborough
Purpose of Application:	Creation of lot addition
Date of Hearing:	August 8, 2013
Date of Decision:	August 8, 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-34-13-L shall be for a 25 +/- acre lot addition only to 3028 Forest 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 applicant shall obtain an amendment to the Township Comprehensive Zoning By-law to rezone to a special Rural Zone which prohibits any development within 30m of the rear or side lot lines of the abutting properties which front on Forest Road.**

Item #10: S-35-13-B (Hanna)

Speaking to the Application: Don & Linda Hanna

Discussion

The subject lands consist of 100+/- acres and have frontage on both Hanna & Wolfe Lake Roads, and are developed with a residence and accessory buildings. The proposed lot would front on Hanna Road and would include the buildings. Hanna Road is maintained 100+ ft. beyond the point where the new lot line would be created, and the retained also has several hundred feet of frontage on Wolfe Lake Road. It was noted that a lot of this size would not be allowed farm animals and therefore minimum distance separation for any development on the retained parcel would not be an issue.

RESOLUTION: C of A: 13:07:08

Moved by: D. Hahn

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-35-13-B by Don & Linda Hanna to create a 10+/- acre lot with existing dwelling and accessory buildings, Hanna Road, concession 12, lot 23, District of Bedford, subject to conditions.

Carried

Application No:	S-35-13-B
Owner:	Don & Linda Hanna
Location of Property:	Concession 12, Lot 23, Hanna Road, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 10+/- acre residential lot with existing dwelling and accessory buildings
Date of Hearing:	August 8, 2013
Date of Decision:	August 8, 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-35-13-B shall be for a 10 +/- acre lot with dwelling and accessory buildings. 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.)**
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 (as though it were vacant) 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 report demonstrating potable water on the severed parcel.**

Item #11: S-36-13-P (Smith)

Speaking to the Application: Rob Smith

Discussion

The subject lands consist of 94+/- acres and have frontage on both Alton and Jamieson Roads and are vacant. The proposed lot would front on Alton Road. A 2.3 acre lot was given provisional consent at the July meeting of the Committee. This lot would be immediately east of the previously approved lot. There have been no objections, but Roads has asked that the ditch line be brushed back along the front of the property.

L. Mills recommended that, since creation of this lot would incorporate all the remaining frontage on Alton Road, the front lot lines of the two severed parcels be reduced slightly to allow for a 66 ft. wide strip which could potentially provide access to a subdivision. He noted that, although there is substantial frontage on Jamieson Road, an access at the south end of the property would constitute appropriate long-range planning. The applicant wished to leave the application as submitted. The Committee supported the original application.

RESOLUTION: C of A: 13:07:8A

Moved by: L. Redden

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-36-13-P by Don Smith to create a 2.4+/- acre residential lot on Alton Road, concession 6, lot 2, District of Portland, subject to conditions.

Carried

Application No:	S-36-13-P
Owner:	Don Smith
Location of Property:	Concession 6, Lot 2, Alton Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of 2.4+/- acre residential lot
Date of Hearing:	August 8, 2013
Date of Decision:	August 8, 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-36-13-P shall be for a 2.4+/- acre lot. 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.)
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 brush and trees in ditch along front of property shall be removed to the satisfaction of the Roads Department prior to the stamping of the deed.**

Item #12: MV-20-13-S (Seale)

Speaking to the Application: Arlene Seale

Discussion

The subject property is only .3 acre in size, and is developed with a dwelling and an accessory building. Lot coverage is significantly over 5%. The dwelling was built prior to this requirement. All development is very close to the lake. There had apparently been a deck on the west side of the dwelling. When Mrs. Seale was contacted after it became apparent that a new structure was being built, she was informed that a 6 ft. deck across the width of the dwelling would be permissible, but nothing beyond that. No building permit was obtained (Mrs. Seale has indicated that she did not realize one was necessary), and what was constructed is actually a fully enclosed porch. Mrs. Seale was informed that a variance would be required for her to be able to retain this porch. Public Health has no objection. CRCA has indicated that they would not support any increase in footprint beyond the old deck that had existed, or any further encroachment into the water setback. They have also noted that the porch is less than 25 ft. from the HWM, and that no permit was obtained from them for the construction. In their report, the CRCA indicated that they would support the porch provided that a shed on the property, located very close to the water, was removed. It appears from overhead photos, however, that the shed in question is actually located on the abutting property.

The Storrington District Committee members were not supportive of the construction that had taken place. Mrs. Seale indicated that she believed she had met all the requirements and did not realize that a permit was required because of the small size of the structure. She argued that she wanted an enclosed porch to deal with the safety hazard of snow falling from the roof of the house.

A member of the public, Adam Jerebic, questioned why there would be a problem if the footprint of the porch was the same as that of the deck. The response is that a deck does not constitute living space, and this living space is very close to the water.

Mrs. Hartwick, a neighbor who lives across the bay from Mrs. Seale, felt that there had been miscommunications, and expressed the hope that the Committee would support the application.

RESOLUTION: C of A: 13:08:09

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby denies variance application MV-20-13-S by Arlene Seale, to recognize existing porch within 30m of high water mark of Loughborough Lake, concession 10, lot 5, District of Storrington.

Carried

Item #13: MV-21-13-S (Covo, Whitney)

Speaking to the Application: Rod Stokes, agent

Discussion

The subject property is 2.5 acres in size, and is developed with a dwelling and an accessory building. The applicants are requesting a variance to permit construction of a garage in the front yard with a height of 23 ft. (vs 19.7 ft). There is no water setback issue and the structure will be set back 100 ft. from the front lot line.

RESOLUTION: C of A: 13:07:10

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-21-13-S by Bernard Covo and Merrill Whitney, to permit construction of garage in front yard, and 3.3. ft. higher than permitted 19.7 ft., concession 10, lot 26, District of Storrington, subject to conditions.

Carried

Application No:	MV-21-13-S
Owner:	Bernard Covo, Merrill Whitney
Location of Property:	Pt. Lot 10, Concession 26, District of Storrington, Township of South Frontenac
Purpose of Application:	To vary sections 5.24.2 and 8.3.2 of the Comprehensive Zoning By-law to permit construction of accessory building in front yard, and in excess of 19.7 ft.
Date of Hearing:	August 8, 2013
Date of Decision:	August 8, 2013
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

1. **The variance is limited to the construction of a 720 sq. ft. garage, with a maximum height of 23 ft., to be located a minimum of 100 from the front lot line, and an attached 192 sq. ft. single storey shed,**
2. **No other structures shall be permitted within the 30m setback from the high water mark or within the 20m setback from the front lot line.**
3. **Minor variance MV-21-13-S 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.**

REASON FOR DECISION: The variance has been approved by staff, the variance is considered to be in keeping with the intent of the official plan and zoning by-law, and is suitable for the development of the property.

Item #14: MV-22-13-SB (Kehoe)

Speaking to the Application: Derrick Kehoe

Discussion

The subject property is a large property (13.5 acres) and is vacant. The applicants are proposing to construct a single family dwelling on the property. The setback from the high water mark is not an issue; however, the proposed dwelling would slightly encroach into the 15m required setback from top of bank. The applicants have been asked to provide a slope stability study. This has not yet been received, and the application was therefore deferred.

RESOLUTION: C of A: 13:07:11

Moved by: D. Hahn

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-22-13-B by Derrick & Susan Kehoe, to permit construction of dwelling within 15m of top of bank, concession 3, lot 4/5, District of Bedford, pending receipt of satisfactory slope stability report.

Carried

Item #15: MV-23-13-S (Desrochers)

Speaking to the Application: Adam Jerebic, agent

Discussion

This 3.4 acre residential lot was created in 2008. There was no indication at that time by any agency or staff member that there was a water body (i.e. a creek) crossing the lot. It now appears that this creek, plus some additional limitations with regard to the placement of the septic system and the lot terrain in general, make it difficult to place a dwelling in such a way that all setbacks can be met. The prospective purchaser, acting as the agent for the owner, is seeking a variance to allow a decrease in these setbacks – 23m from water body, and 13.27 m (vs 20m) from front lot

line. A report was not available from CRCA in time for the meeting because the Resource Planner wanted to have an engineer visit the site with him, date. The application was therefore deferred pending receipt of report from CRCA.

RESOLUTION: C of A: 13:07:12

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-23-13-S by George Desrochers, to permit construction of dwelling within 20m of front lot line and within 30m of creek, concession 10, lot 13, District of Storrington, pending receipt of report from Cataraqui Region Conservation Authority.

Carried

Item #15: Adjournment

Committee members agreed to change the date of the next Committee meeting since the regular date conflicted with a municipal conference that many Council members would be attending.

RESOLUTION: C of A: 13:07:13

Moved by: D. Hahn

Seconded by: L. Redden

THAT the August 8, 2013 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:35 p.m. to reconvene at 7:00 p.m. on Thursday, September 5, 2013, or at the call of the Chair.

Carried

Ron Vandewal
Chair

Lindsay Mills
Secretary-Treasurer