

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 12:03
APRIL 12, 2012**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
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)

STAFF & CONSULTANTS: Lindsay Mills – Secretary-Treasurer/Planning Coordinator
Anne Levac – Assistant Secretary-Treasurer

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 12:03:01

Moved by: W. Robinson

Seconded by: L. Redden

THAT the April 12, 2012 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: 12:03:02

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the March 8, 2012 meeting of the Committee, as circulated.

Carried

Item #5: S-62-11-P (Silver)

Speaking to the Application: Walter Silver

Discussion

The subject lands consist of 20+ acres with frontage on Miller Road and Road 38, District of Portland. Originally, applications were submitted to create two residential lots, one on either side of the existing dwelling. However, the Roads Department could not support an entrance on the lot close to Road 38. The second lot is acceptable to Roads and Public Health. The applicant prefers a shape that is somewhat irregular, but the entire property is quite "unusual" in its layout. L. Mills indicated that he would like the new lot to be more rectangular so as not to have any portion of it lying behind the neighbour's property. The applicant stated that the area behind the neighbour is not buildable and therefore there would never be any impact on the neighbour's privacy. Committee members decided to leave it up to the applicant to decide on the final shape of the lot, as long as minimum conditions were met, and as long as the portion behind the neighbour's property was as indicated on the application sketch.

RESOLUTION: C of A: 12:03:03

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-62-11-P by Walter & Cheryl Silver to create a residential lot in concession 13, lot 9, Miller Road, District of Portland, subject to conditions.

Carried

Application No:	S-62-11-P
Owner:	Walter & Cheryl Silver
Location of Property:	Concession XIII, Lot 9, Miller Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 12, 2012
Date of Decision:	April 12, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

- 1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.**
- 2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.**
- 3. The land to be severed by Consent Application S- 62-11-P shall be for a 2+ acre lot, with a minimum of 250 ft. frontage on Miller Road.**
- 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 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.**
- 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 (Miller) abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:

- a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
- b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The road frontage will require brushing at the location of the new lot, and the entrance must be installed, at the west side of the lot, to the satisfaction of the Roads Department, prior to the stamping of the deed.

Item #6: S-01-12-B (Estate of Arthur Trickey)

Discussion

The subject lands consist of 162+ acres on Devil Lake, District of Bedford. The applicant is seeking approval for the creation of a waterfront lot, 2.56 acres in size, with 500+/- ft. frontage on Devil Lake. The new lot is developed with a seasonal dwelling. The proposed new lot meets the minimum requirements for waterfront lots. The application was deferred at the February meeting because Public Health was not able to carry out an inspection at that time. A satisfactory report has now been received.

RESOLUTION: C of A: 12:03:04

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-01-12-B by the Estate of Arthur Trickey to create a waterfront lot in concession 13, lot 10, Devil Lake, District of Bedford, subject to conditions.

Carried

Application No:	S-01-12-B
Owner:	Estate of Arthur Trickey
Location of Property:	Concession XIII, Lot 10, Devil Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of waterfront lot
Date of Hearing:	February 9, 2012
Date of Decision:	April 12, 2012

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-01-12-B shall be for a waterfront lot with an existing dwelling.**
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 lot (as though it were vacant) as park fee, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The owner of the lot to be severed shall enter into an agreement with the municipality to be registered on title which addresses the Township's limited services and environmental protection policies, and which stipulates that any alteration to the shoreline, including installation of docks, shall require a permit from the Cataraqui Region Conservation Authority.**

Item #7: S-02-12-B (Prescott/Huisman)**Discussion**

The subject lands consist of 13.7+/- acres with frontage on Bob's Lake Road and Bob's Lake. The applicant is seeking approval for the creation of a waterfront lot, with a minimum road frontage of 250 ft. and a minimum of 492 ft. water frontage. This additional water frontage is required because the lot is being created on a narrow water body. The application was deferred at the March meeting because comments were not available from Public Health or RVCA. These agencies have now commented and are generally favourable. RVCA has asked for some specific conditions to be included in a development agreement.

RESOLUTION: C of A: 12:03:05

Moved by: M. Tinlin

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent Application S-02-12-B by James Prescott & Michelle Huisman to create a waterfront lot in concession 2, lot 23, Bob's Lake, District of Bedford, subject to conditions.

Carried

Application No:	S-02-12-B
Owner:	James Prescott/Michelle Huisman
Location of Property:	Concession II, Lot 23, Bob's Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 4.9 acre waterfront lot
Date of Hearing:	March 8, 2012
Date of Decision:	April 12, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.**
2. **An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.**
3. **The land to be severed by Consent Application S- 02-12-B shall be for a 4.9+/- acre lot with a minimum of 500 ft. frontage on Bob's Lake and 250 ft. frontage on Bob's Lake Road.**
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 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.**
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 applicant's property on North Shore Road, measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**
 - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended
 - d) **The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;**
 - e) **The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.**
8. **The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which includes the Township's environmental policies, and the recommendations in the March 29, 2012 report from the Rideau Valley Conservation Authority. Specifically, the owners will be required to obtain approval from RVCA prior to construction of docks, limit water access to pedestrian access only, and contact RVCA for approval if development is proposed on the west side of the waterfront.**

Item #8: S-08-12-P, S-09-12-P, S-10-12-P (Murphy)

Speaking to the Application: Evan Murphy

Discussion

The subject lands consist of 47+/- acres with frontage on Colebrooke Road and on Bradford Road. The property is developed with a single family dwelling and a detached garage. The applicant is seeking approval for the creation of three residential lots, with a minimum road frontage of 250 ft. Two of the lots would front on Bradford Road and one would front on Colebrooke Road. There is a provincially significant wetland covering the middle portion of the property. At the March Committee meeting, it was agreed that the applications would be deferred pending a report from the Cataraqui Region Conservation Authority, and a re-examination of the MDS issue related to the barn on the adjacent property on Colebrooke Road. Public Health has continued to hold off on site inspections until there is a clearer indication that one or more of these lots could be supported.

A report from CRCA is attached. It indicates that they do not support the Bradford Road lots. As for the barn, the Planner has revisited the site and agrees building in question is not a barn. This means that the lot on Colebrooke Road could likely be approved once a satisfactory report is received from Public Health. The applications will continue to be deferred pending further discussion about the potential for any severance off of Bradford Road, and receipt of a report from Public Health regarding the Colebrooke Road lot.

RESOLUTION: C of A: 12:03:06

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-08-12-P, S-09-12-P and S-10-12-P by Evan Murphy to create residential lots in concession 5, lot 11, District of Portland, pending further discussions with CRCA and satisfactory Public Health reports where applicable.

Carried

Item #9: S-12-12-S (Sands/Flood)

Discussion

The applicant's property fronts on Milburn Road and is developed with a single family dwelling and an accessory building. It is zoned Rural. The severed parcel will be approximately 10 acres in size and the retained parcel will be 15 acres. The application had been deferred at the March meeting because no report had been received from Public Health.

There was discussion about the need for the applicant to have a well drilled before the deeds were stamped, given the size of the proposed severance. The majority of Committee members felt that the rule requiring wells should be adhered to, and that any relief from this requirement should only be allowed if a new policy was adopted which clarified situations in which this could occur.

RESOLUTION: C of A: 12:03:07

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-12-12-S by Corey Sands & Jenna Flood to create a lot in concession 8, lot 7, District of Storrington, subject to conditions.

Carried

Application No:	S-12-12-S
Owner:	Corey Sands, Jenna Flood
Location of Property:	Concession VIII, Lot 7, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of 10 acre lot
Date of Hearing:	March 8, 2012
Date of Decision:	April 12, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.
2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.
3. The land to be severed by Consent Application S- 12-12-S shall be for a 10+/- acre lot, with a minimum of 250 ft. frontage on Milburn Road.
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 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.
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 (Milburn) abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - f) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - g) 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;
 - h) 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.
 - i) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense.
 - j) 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. 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 #10: S-13-12-S, S-14-12-S, S-15-12-S (Steenart)

Discussion

The subject lands consist of 27.6+/- acres with frontage on Holmes Road. The applicant is seeking approval for the creation of three residential lots, with a minimum road frontage of 250 ft.. These applications were deferred at the March meeting because reports were not available from Public Health. These reports are now available and are favourable.

R. Vandewal noted that he felt the area on the retained portion at the east side of the property should be included with the new lots. It was decided that the application for the proposed western lot could be approved but that the applications for the other two lots would be deferred so that staff could check with the applicant about moving the lot line.

RESOLUTION: C of A: 12:03:08

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-13-12-S by the Estate of Ellen Steenaart to create a residential lot in concession 7, lot 18/19, District of Storrington, subject to conditions, and defers consent applications S-14-12-S and S-15-12-S to discuss possible adjustments to the lot lines.

Carried

Application No:	S-13-12-S
Owner:	Estate of Ellen Steenaart
Location of Property:	Concession VII, Lot 18/19, Holmes Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot – 2+ acres
Date of Hearing:	March 8, 2012
Date of Decision:	April 12, 2012

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-13-12-S shall be for a 2+ acre lot, with a minimum of 250 ft. of public road frontage.
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 (including the unopened road allowance to the west of the property) measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;

- b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

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

Item #11: S-16-12-L (Martin)

Discussion

The applicant's property fronts on Bedford Road, and is developed with a single family dwelling and accessory buildings. The purpose of the application is to create a 2 acre residential building lot on the southwest corner of the property. Both the Chief Building Official and the Roads Area Supervisor have expressed concern about the proposed lot. The property is quite low and wet in this area, and sight lines from the west are poor. The application was deferred at the March meeting to provide an opportunity for the applicant to consider any options and for further discussion to take place with the Roads Department. Since that meeting, a follow-up site inspection by Roads has verified that the sight lines for an entrance are not satisfactory. Therefore, application S-16-12-L is unsupportable.

RESOLUTION: C of A: 12:03:09

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby denies consent application S-16-12-L by Ian & Heather Martin to create a residential lot in concession 6, lot 6, District of Loughborough, because of inadequate sight lines for entrance onto Bedford Road.

Carried

Item #12: MV-26-11-B (Pichora)

Speaking to the Application: Mac Gervan, agent

Discussion

The applicants' property consists of approximately 1.62 acres, located on a peninsula on Devil Lake. It is developed with a seasonal dwelling, located less than 30 ft. from the high water mark. The applicants had originally requested approval for additions to the existing dwelling. However, the application was changed to request approval for construction of an entirely new dwelling further from the water – 70 ft. to dwelling and 66 ft. to the proposed deck - as well as a sleeping cabin within the 30m setback. The new dwelling, with a proposed screened porch, would be quite large, although not all of the structure would be within the setback. The terrain and a hydro line across the property present some limitations as to the location of the dwelling. The applicants have a permit from Public Health and a report has been received from Cataraqui Region Conservation Authority, both of which are generally supportive of the application. L. Mills, and Committee members expressed the opinion that any sleeping cabin could be constructed outside the 30 m setback.

RESOLUTION: C of A: 12:03:10

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-26-11-B by David & Deborah Pichora, to construct a new dwelling and sleeping cabin in concession 12, lot 9, District of Bedford, subject to conditions, as amended.

Carried

Application No:	MV-26-11-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 9, 2012
Date of Decision:	April 12, 2012
DECISION:	VARIANCE GRANTED, subject to conditions, as amended

CONDITIONS:

- The variance is limited to construction of a 2,320 sq. ft. single storey dwelling, a 336 sq. ft. screened porch, to be located a minimum of 70 ft. from the high water mark of Devil Lake, and a deck, as shown on the application for variance, to be located a minimum of 66 ft. from the high water. No additional structures shall be located within the 30m setback.**
- Minor variance MV-26-11-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
- 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.**
- The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's environmental and limited service policies, and requires that a permit be obtained from the Cataraqui Region Conservation Authority Conservation or in-water works, including construction or alteration of docks.**

REASON FOR DECISION: The variance has been approved by staff, 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 #13: MV-01-12-L (Crouse)

Speaking to the Application: Ralph Crouse

Discussion

The applicant's property consists of approximately 100 acres, located on a private lane. It is developed with a seasonal dwelling. The applicant is seeking permission to construct a two-storey accessory building 26 ft. in height. The requirement in the zoning by-law is 19.7 ft. The application was deferred at the March meeting because the representatives from Loughborough had not been able to access the property to carry out a site inspection.

RESOLUTION: C of A: 12:03:11

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-01-12-L by Ralph Crouse, to construct an accessory building in concession 10, lot 3, District of Loughborough, subject to conditions.

Carried

Application No:	MV-01-12-L
Owner:	Ralph Crouse
Location of Property:	Pt. Lot 3, Concession 10, McConville Lane, District of Loughborough, Township of South Frontenac
Purpose of Application:	To vary sections 7.3.2 of the Comprehensive Zoning By-law to permit an increase in permitted height of an accessory building
Date of Hearing:	March 8, 2012
Date of Decision:	April 12, 2012

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. **The variance is limited to construction of a 1050 sq. ft. accessory building, with a maximum height of 26 ft. sq. ft. to be located as indicated on the applicant’s sketch.**
2. **Minor variance MV-01-12-L 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. **No portion of the accessory building shall be used for residential purposes.**

REASON FOR DECISION: The variance has been approved by staff, 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 #14: S-18-12-P

Speaking to the Application: Wayne Selle

Discussion

The subject lands consist of 40+/- acres with frontage on Scanlan and Murvale Roads, District of Portland, and are developed with a single family dwelling and accessory buildings. The applicant is proposing to sever a 2-acre lot for residential purposes. This lot was approved in 2010; however, the applicant was unable to provide evidence of sufficient water in time to have the deed stamped. Sufficient water has now been found, and a new application has been submitted.

RESOLUTION: C of A: 12:03:12

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-18-12-P by Wayne & Connie Selle, to create a residential lot in concession 3, lot 1, District of Portland, subject to conditions.

Carried

Application No: S-18-12-P
Owner: Wayne & Connie Selle
Location of Property: Concession III, Lot 1, Murvale Road, District of Portland,
 Township of South Frontenac
Purpose of Application: Creation of 2 acre lot
Date of Hearing: April 12, 2012
Date of Decision: April 12, 2012

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-18-12-P shall be for a 2 acre residential lot.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - k) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - l) 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;
 - m) 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.
 - n) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - o) 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 on the severed lot verifying 3.5 gallons per minute sustained over a 6-hour pump test.

Item #15: S-19-12-B, S-20-12-B (Shorting/Mantrop/Soles)

Speaking to the Application: Graham Shorting

Discussion

The applicants' property fronts on McAndrews Road. It is already developed with 3 residential dwellings, and accessory buildings, and these applications are intended to divide the property so that each owner has his own parcel. There were no objections from agencies.

RESOLUTION: C of A: 12:03:13

Moved by: D. Hahn

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby approves consent applications S-19-12-B and S-20-12-B by Graham Shorting, Wilfred Soles and Brian Mantrop, to create two lots in concession 12, lot 11, District of Bedford, subject to conditions.

Carried

Application No:	S-19-12-B
Owner:	Graham Shorting, Wilfred Soles, Brian Mantrop
Location of Property:	Concession XII, Lot 11, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 40 acre lot
Date of Hearing:	April 12, 2012
Date of Decision:	April 12, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

- 1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.**
- 2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.**
- 3. The land to be severed by Consent Application S- 19-12-B shall be for a 40+/- acre lot, with existing dwelling.**
- 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 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.**
- 6. The Township of South Frontenac shall receive 5% of the value of the severed parcel (as though it was vacant) 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 (McAndrews) abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**

- a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
- b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The owner of the severed and the retained parcel shall enter into a development agreement with the Township to be registered on title which requires that no further development shall take place on the property without approval, and if necessary a permit, from the Cataraqui Region Conservation Authority.

Application No:	S-20-12-B
Owner:	Graham Shorting, Wilfred Soles, Brian Mantrop
Location of Property:	Concession XII, Lot 11, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 9 acre lot
Date of Hearing:	April 12, 2012
Date of Decision:	April 12, 2012
DECISION:	PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.
2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.
3. The land to be severed by Consent Application S- 19-12-B shall be for a 9+/- acre lot, with existing dwelling.
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 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.

6. The Township of South Frontenac shall receive 5% of the value of the severed parcel (as though it was vacant) 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 (McAndrews) abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
- a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The owner of the severed and the retained parcel shall enter into a development agreement with the Township to be registered on title which requires that no further development shall take place on the property without approval, and if necessary a permit, from the Cataraqui Region Conservation Authority.

Item #16: S-21-12-P (1059848 Ontario Inc. – Orser)

Discussion

The applicant's property fronts on Bellrock Road. Two large farm properties have merged through common ownership. A dwelling has recently been constructed on the parcel to be severed, and the lot has a well and septic system.

RESOLUTION: C of A: 12:03:14

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-21-12-P by 1059848 Ontario Inc. (David Orser) to divide two properties that have merged on title, concession 10, lot 14/15, District of Portland, subject to conditions.

Carried

Application No: S-21-12-P
Owner: 1059848 Ontario Inc. (Orser)

Location of Property: Concession X, Lot 14/15, District of Portland, Township of South Frontenac
Purpose of Application: Creation of 57+ acre lot
Date of Hearing: April 12, 2012
Date of Decision: April 12, 2012

DECISION: **PROVISIONAL CONSENT GRANTED, subject to conditions**

CONDITIONS:

1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.
2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.
3. The land to be severed by Consent Application S- 21-12-P shall be for a 57+/- acre lot, with existing dwelling.
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 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.
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 (Bellrock) abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

Item #17: Other Business – refund

Walter and Cheryl had applied for two severances from their property on Miller Road, District of Portland. However, one of the lots could not be approved because the Township has a policy prohibiting new entrances within 180 m of an arterial road – in this case Road 38. On the grounds that the applicants would not have made the application if they had been aware of this policy, staff recommended that a full refund of the \$600 application fee would be appropriate.

RESOLUTION: C of A: 12:03:15

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby recommends to Township Council that a full refund be granted to Walter and Cheryl Silver related to consent application S-61-11-P because the applicants were not made aware of the required entrance setback from Road 38.

Carried

Item #18: Adjournment


RESOLUTION: C of A: 12:03:16

Moved by: L. McCullough

Seconded by: K. Gee

THAT the April 12, 2012 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:05 p.m. to reconvene at 7:00 p.m. on Thursday, May 10, 2012, or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer