

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE  
MINUTES 12:12  
DECEMBER 13, 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)  
David Hahn (Bedford District)

**ABSENT WITH REGRETS:** Mark Tinlin (Bedford District)

**STAFF:** Lindsay Mills – Secretary-Treasurer/Planning Coordinator  
Anne Levac – Assistant Secretary-Treasurer/Committee Clerk

**RESOLUTIONS & BUSINESS:**

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**Item #1: Call to Order**

**RESOLUTION:** C of A: 12:12:01

Moved by: D. Hahn

Seconded by: W. Robinson

**THAT the December 13, 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: 12:12:02

Moved by: K. Gee

Seconded by: L. York

**THAT the minutes of the November 8, 2012 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.**

Carried

**Item #5: S-63-12-P, S-64-12-P (Long)**  
 Speaking to the Application: Glen Long

Discussion

The subject lands consist of 38+/- acres with a dwelling, barn and sheds. The applicant is seeking approval for the creation of a 9 acre and a 7 acre residential lot. Both lots will front on Gorr Road, and one of the lots will also front on Road 38. The westerly lot is close to barns across the road to the north, and to a mineral extraction designation across Road 38 to the south. It does not appear that there would be a 2 acre parcel outside of both of these setbacks. The easterly lot is located very close to a provincially significant wetland, and although the CRCA does not object to the severance, the Township's Official Plan states that no development (including the creation of new lots) can occur within 120m of a PSW unless an environmental assessment indicates that there will be no detriment to the environment. Reg Genge of Environmental Assessments prepared a report which supports the application provided that no trees are cut on the slope leading to the wetland and that there be no dwelling located within 120m of the wetland.

**RESOLUTION:** C of A: 12:12:03

Moved by: W. Robinson

Seconded by: L. Redden

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-63-12-P by Glen Long to create a residential lot in concession 1, lot 6, Gorr Road, District of Portland, be approved, subject to conditions.**

Carried

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<b>Application No:</b>	S-63-12-P
<b>Owner:</b>	Glen Long
<b>Location of Property:</b>	Concession I, Lot 6, Gorr Road, District of Portland, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of residential lot
<b>Date of Hearing:</b>	December 13, 2012
<b>Date of Decision:</b>	December 13, 2012

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

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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-63-12-P shall be for a 9+/- acre lot, with 250+ ft. frontage on Gorr Road.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
- 6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:**

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

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

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.
  8. The applicant shall enter into a development with the Township to be registered on title to the new lot which sets out the requirements as set out in the Preliminary Environmental Impact Assessment dated December 12, 2012.

**RESOLUTION: C of A: 12:12:04**

Moved by: L. Redden

Seconded by W. Robinson

**THAT consent application S-64-12-P by Glen Long to create a residential lot in concession 1, lot 6, Gorr Road, District of Portland, be deferred pending consideration of options to accommodate setbacks from the barns on the north side of the road, and the mineral aggregate designation on Road 38, across from the subject property.**

Carried

**Item #6: S-65-12-B (Haslett)**

Speaking to the Application: no one

**Discussion**

There are three properties involved in this application, and the purpose is to reconfigure them to increase the size of the two existing waterfront parcels. One parcel consists of 7+/- acres with frontage on Green Bay Road and is developed with two farm buildings. The other two parcels are waterfront lots of just over 1 acre each. The waterfront lots will be made larger, and the overall configuration of the properties will be somewhat more regular in shape. There were no objections to this application; however, a neighbouring property owner requested clarification about the effect on access to his property and he was assured that there would be no change. A rezoning will be required.

**RESOLUTION: C of A: 12:12:05**

Moved by: D. Hahn

Seconded by: W. Robinson

**THAT consent application S-65-12-B by Re & Lawrence Haslett to create lot additions in concession 3, lot 19/20, Green Bay Road, Bob's Lake, District of Bedford, be approved, subject to conditions.**

Carried

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**Application No:** S-65-12-B  
**Owner:** Re & Lawrence Haslett  
**Location of Property:** Concession 3, Lot 19/20, District of Bedford, Township of South Frontenac  
**Purpose of Application:** Severance to create lot additions  
**Date of Hearing:** December 13, 2012  
**Date of Decision:** December 13, 2012

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

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**CONDITIONS:**

1. **An acceptable reference plan or legal description of the severed lands, 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-65-12-B shall be for lot additions from two existing properties, to two waterfront lots as indicated on the attached sketch. Parcels will be severed: from 13R-14805 and added to 13R-9750 part 3 and 13R-9750 parts 2,5,6; and from 13R-9750 part 3 and added to 13R-9750 parts 2,5,6.**
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 applicants shall rezone the lot addition portions of the enlarged lots so that these lots are zoned Limited Service – Residential Waterfront.**

**Item #7: MV-19-12-B (Neven)**

Speaking to the Application: Jeremy Neven

**Discussion**

The applicant's property is .34 acres in size and is vacant. It is a very difficult lot because it is located on a peninsula. However, at the time the lot was created, it was intended to be used for seasonal residential purposes, and every effort will be made to make the lot useable. The applicant is proposing to construct a seasonal dwelling 50 ft. from the high water. The proposal is for a 600 sq. ft. storey and a half dwelling with a walk-out basement. A permit has been granted by Public Health, and according to that permit, there would be 600 sq. ft. on the first floor, 300 sq. ft. on the second floor, and 300 sq. ft. in the walk-out basement, for a total living area of 1200 sq. ft. The proposed cottage footprint would be well within the permitted 5% lot coverage; however, if any deck was to be approved, it could not have an area of greater than 140 sq. ft. The Conservation Authority has commented that the dwelling appears to be closer to the water than indicated, and therefore recommends deferral to clarify. The CBO does not object to the proposal provided measurements are confirmed, determined by a surveyor. Although the footprint is not large, there will essentially be three stories of living space, a concern expressed by a neighbouring property owner. Dale Johnson, who owns property on the lake indicated that the Cottage Association is concerned about the proposal because of the impact on the lake, and the fact that the new dwelling will overlook other cottages, thus impacting their privacy.

Because Garter Lake is a sensitive lake trout lake, it was determined that the applicant should provide an environmental impact assessment before a final decision is made.

**RESOLUTION: C of A: 12:12:06**

Moved by: D. Hahn

Seconded by: L. Redden

**THAT variance application MV-19-12-B by John Neven, concession 6, lot13, Garter Lake, District of Bedford, to construct a new dwelling 50 feet from the high water mark, be deferred pending submission of a preliminary environmental impact assessment.**

Carried

**Item #8: MV-20-12-B (Barros)**

Speaking to the Application: no one

Discussion

The applicant's property is 1.1 acres in size. A dwelling on the property was destroyed by fire, and the property is therefore vacant except for two small sheds. The applicant is proposing to construct a new dwelling 62 ft. from the high water mark, in approximately the same location as the original dwelling. It should be noted that, if the applicant's drawing is accurate, the actual setback at the closest point is just over 52 ft. The proposed dwelling would be 25 ft. x 25 ft., 1 ½ storey. The cottage that existed on the property before had a slightly larger footprint, and was also two storeys in height. The chief building official would support the application if the dwelling was moved back an additional 15 ft., which would provide a setback of approximately 68 ft. L. Mills measured the setback at greater than 62 ft. and feels that the proposed site is appropriate. The Committee agreed on a 70 ft. setback.

**RESOLUTION: C of A: 12:12:07**

Moved by: D. Hahn

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-20-12-B by Jose and Elsa Barros, concession 2, lot 22, Bob's Lake, District of Bedford, be approved, as amended, subject to conditions.**

Carried

<b>Application No:</b>	MV-20-12-B
<b>Owner:</b>	Jose & Elsa Barros
<b>Location of Property:</b>	Pt. Lot 22 Concession 2, Bob's Lake, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
<b>Date of Hearing:</b>	December 13, 2012
<b>Date of Decision:</b>	December 13, 2012

**DECISION: VARIANCE APPROVED, subject to conditions**

CONDITIONS:

1. The variance is limited to construction of a one and one half storey dwelling, with no basement, with a 30 ft. x 32 ft. footprint, including any deck, to be located a minimum of 70 ft. from the closest point of the high water mark. The existing sheds on the lot shall be removed from the lot, or moved back a minimum of 70 ft. from the high water mark.
2. No other structures shall be permitted within the 30m setback from the high water mark.
3. Minor variance MV-20-12-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

5. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental policies, and which specifies that a permit will be required from the Rideau Valley Conservation Authority for construction of docks, and shoreline or in-water works. Re-vegetation in accordance with a plan recommended by the RVCA shall be carried out on the area between the dwelling and the lake.**

**REASON FOR DECISION:** The variance has been approved by staff and agencies, and the proposed dwelling site is suitable for the lot.

**Item #9: MV-21-12-B (Bush)**

Speaking to the Application: Laurie Bush, Lynne Bush, Glen McNichols

**Discussion**

The applicant's property is .75 acres in size and is developed with a dwelling and accessory building. The applicants are proposing to remove the dwelling and construct a new one at the same distance from the water but in a slightly different location. The existing dwelling is one storey and the new one is proposed to be one storey with a walk-out basement. Recent approval was given for a new septic system. A neighbouring property owner contacted the Township and expressed concern about the driveway and parking area. According to the survey of the right-of-way, it provides access at the south end of the property and it is quite wide where it actually touches onto the lot. However, the deeded access does not appear to be in the same location as the driveway shown on the applicants' sketch, and given the proposed location of the new dwelling, it would appear to be difficult to access the lot onto a parking area without encroaching onto the neighbour's property. The applicants verified that this is the access they have been using for 40 + years.

A letter received from neighbouring property owners Glen and Susan Pugh, was read to the Committee. Primarily, they expressed concern about the impact on the lake, and suggested that the applicants might wish to purchase some property from the Pughs at the rear of their lot to allow for a greater setback.

**RESOLUTION: C of A: 12:12:07**

Moved by: D. Hahn

Seconded by: W. Robinson

**THAT variance application MV-21-12-B by Lynne Bush, Debra Smith and Laurie Bush, to construct a new dwelling on property in concession 2, lot 5, Thirty Island Lake, District of Bedford, be approved, subject to conditons.**

Carried

<b>Application No:</b>	MV-21-12-B
<b>Owner:</b>	<b>Lynne Bush, Debra Smith, Laurie Bush</b>
<b>Location of Property:</b>	Pt. Lot 5, Concession 2, Thirty Island Lake, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
<b>Date of Hearing:</b>	December 13, 2012
<b>Date of Decision:</b>	December 13, 2012

**DECISION: VARIANCE APPROVED, subject to conditions**

**CONDITIONS:**

1. **The variance is limited to construction of a one storey dwelling with a walk-out basement, and a maximum footprint of 1000 sq. ft. to be located a minimum of 62 ft. from the high water mark. A 10' x 20' unenclosed deck is permitted provided that no part of it encroaches closer than 62 ft. from the high water mark.**
2. **No other structures shall be permitted within the 30m setback from the high water mark.**
3. **Minor variance MV-21-12-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**

4. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
5. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental policies, and which specifies that a permit will be required from the Quinte Conservation Authority prior to any development (construction/filling/excavation/site grading) within 30m of the high water mark, and will also require a permit for construction of docks, and shoreline or in-water works.**

**REASON FOR DECISION:** The variance has been approved by staff and agencies, and the proposed dwelling site is the most suitable on the lot.

**Item #10: MV-22-12-S (Hackett, Marchand)**

Speaking to the Application: Bob Haynes, agent

**Discussion**

The applicant's property is .428 acres in size, which would permit a lot coverage of 932 sq. ft. It is currently developed with a 930 sq. ft. single storey dwelling, and 4 sheds, three of which are being removed. The proposal is to remove the existing dwelling and construct a new dwelling 57.4 ft. from the high water mark, and a deck 50 ft. from the HWM. Although the written part of the application indicates a dwelling of 806.8 sq. ft., the sketch shows a main floor area of just under 1095 sq. ft., and the proposed deck would add another 200+/- sq. ft. This would bring the lot coverage to close to 7%.

The Cataraqui Region Conservation Authority does not object to the proposal, although part of their rationale is that the applicants are constrained by the location of the septic system, for which they have obtained a recent permit. However, the septic permit was approved on the basis of a dwelling location that has not yet been approved.

The property lies within an environmental protection zone and is designated EP in the official plan which would suggest that the setback should be as great as possible.

The CBO believes the dwelling could be constructed further from the lake. L. Mills expressed the opinion that there is a 40m depth of property on which a dwelling could be built, in which case a variance for the setback would not be necessary, although the lot coverage might still be an issue.

L. York agreed that there seems to be a lot of land further back from the existing dwelling where construction could occur.

Mr. Haines noted that if they were required to move much further back, they would be constrained by a rock outcrop, and would also need to remove large trees. He asked if there might be a compromise between the original request and the Planner's recommendation. R. Vandewal explained that it would be difficult to compromise when a variance was not really necessary.

D. Hahn suggested that we defer the decision to provide an opportunity for the applicants to consider an alternate site.

**RESOLUTION: C of A: 12:12:09**

Moved by: L. York

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-22-12-S by Brittany Hackett and David Marchand, to construct a new dwelling on property in concession 1, lot 21, Collins Lake, District of Storrington, to provide an opportunity for the applicants, in consultation with staff, to consider other options and the impact of building in a different location.**

Carried

**Item #11: MV-10-12-B (Wallace)**

Speaking to the Application: no one

**Discussion**

The applicants' property is .76+/- acres in size, with frontage on Mud Bay of Bob's Lake, and is currently developed with a trailer (which will be removed), a bunkie and a shed. The proposal is for the construction of a 1500 sq. ft. single storey dwelling, to be located 17 m from the high water mark. Because the proposed dwelling would sit on the back of a slope near the

water, it appears to be supportable. This application was previously deferred because reports had not been received from the Rideau Valley Conservation Authority or Public Health. These reports have now been received. Public Health has no objection as the applicants have obtained a permit to install a new sewage disposal system. Rideau Valley Conservation "is satisfied that allowing the variance will not impact the water quality, fish habitat, local natural hazards (slope stability and flood potential) as it is proposed." They have indicated the importance of maintaining vegetation between the dwelling and the shoreline, and not increasing the size of the existing stairway to the water, and the conditions which RVCA has outlined will be included in a site plan agreement.

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<b>Application No:</b>	MV-10-12-B
<b>Owner:</b>	Richard & Deborah Wallace
<b>Location of Property:</b>	Pt. Lot 32, Concession 6, Bob's Lake, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
<b>Date of Hearing:</b>	September 20, 2012
<b>Date of Decision:</b>	December 13, 2012
<b>DECISION:</b>	<b>VARIANCE APPROVED, subject to conditions</b>

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### CONDITIONS

1. **The variance is limited to construction of a 1500 sq. ft. single storey dwelling 57 ft. (including any unenclosed deck) from the high water mark of Bob's Lake with a sewage disposal system as set out in permit BE-35-12.**
2. **The trailer on the site must be removed.**
3. **Minor variance MV-10-12-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75, as amended, 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 to be registered on title to the lot which sets out the municipality's limited service and environmental policies, and requirements as set out by the Rideau Valley Conservation Authority in their report dated October 2, 2012.**

**REASON FOR DECISION:** The variance has been approved by staff and agencies, and the site is situated on a slope away from the water.

#### **Item #12: Other Business: Access to rural lots by a private lane**

The Township's Official Plan supports the position that newly created non-waterfront lots should front on, and take direct access from, fully maintained public roads. L. Mills reminded Committee members of lots that were recently created with frontage on Round Lake Road, but because of the terrain, and the recommendation of the conservation authority, permission was granted to access these lots from a single private lane. The same applicant who created those lots is now seeking approval for two more lots on Round Lake Road from an abutting piece of land, and wishes to be able to access them from the same lane because the potential building sites near the road are limited. Committee members felt that this is not something that we would want to do as a general rule. R. Vandewal noted that if two more lots were allowed to be accessed from the existing lane, which already accesses a total of 7 lots created from different but adjoining parcels, this would have the effect of creating a subdivision without going through all the required processes of creating a subdivision. Committee members were therefore not in favour of allowing access to the most recent lots by means of a private lane.



**Item #13: Adjournment**

**RESOLUTION: C of A: 12:12:11**

Moved by: L. Redden

Seconded by: D. Hahn

**THAT the December 13, 2012 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:30 p.m. to reconvene at 7:00 p.m. on Thursday, February 14, 2013 or at the call of the Chair.**

Carried

  
Ron Vandewal, Chair

  
Lindsay Mills, Secretary-Treasurer