

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 10:06
JULY 8, 2010**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: David Hahn (Bedford District)
Richard Phillips (Bedford District)
Ron Vandewal (Loughborough)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Larry York (Storrington District)

ABSENT WITH REGRETS: Len McCullough (Loughborough)
Jack Moreland (Storrington)

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: 10:06:01

Moved by: L. York

Seconded by: W. Robinson

THAT the July 8th, 2010 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: Minutes of June 10th, 2010 meeting

RESOLUTION: C of A: 10:06:02

Moved by: R. Phillips

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the June 10th, 2010 meeting of the Committee, as circulated.

Carried

Item #5: MV-06-10-P (Miller)

In Attendance: Jeff Miller

Discussion

The applicant's property consists of approximately .75 acres located on Hambly Lane, Hambly Lake, District of Portland. The proposal is for the construction of a second storey on a dwelling located 50 ft. from the high water mark. A condition has been included which does not permit demolition of any of the main floor walls. Quinte Conservation has no objection provided a permit is obtained from them prior to construction. There appears to be a rock outcropping between the dwelling and the nearest part of the lake, and this would be helpful in terms of preventing run-off into the lake. At the June Committee meeting, a report had not been received from Public Health; however, that report is now available and is satisfactory.

RESOLUTION: C of A: 10:06:03

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-06-10-P by Jeff & Rose Miller, concession 10, lot 7, Hambly Lake, District of Portland, to permit the addition of a second storey on a dwelling located within 30m of the high water mark, subject to conditions.

Carried

Application No:	MV-06-10-P
Owner:	Jeff & Rose Miller
Location of Property:	Pt. Lot 7, Concession 10, Hambly Lake, District of Portland, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing:	June 10, 2010
Date of Decision:	July 8, 2010

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a second storey on the dwelling which existed on the property as of June 10, 2010. There shall be no demolition of existing main floor walls, but strengthening of walls is permitted.**
- 2. Minor variance MV-06-10-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
- 3. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
- 4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's limited service and environmental policies, and which specifies that a permit will be required from Quinte Conservation for any development, lot grading, or filling on the site, and that Quinte Conservation must be contacted prior to any shoreline or in-water works.**

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

Item #6: S-47-10-L, S-47-10-L (Thomas)Discussion

The subject lands consist of 67+/- acres with frontage on Gould Lake Road, District of Loughborough, and are vacant. The applicant is proposing to sever a 2.2+/- acre parcel and a 2.7+/- acre parcel as residential lots. The CBO has indicated that a large barn across the road

appears to be too close to the proposed lots to meet the MDS. Therefore, the applicant has requested that the applications be deferred until further measurements can be taken and other options can be considered.

RESOLUTION: C of A: 10:06:04

Moved by: W. Robinson

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-47-10-L and S-48-10-L by Dorothy Thomas and Larry Thomas, concession 7, lot 3, District of Loughborough, to create residential lots on Gould Lake Road, pending consideration of options which would adequately recognize the minimum distance setback from a neighbouring barn.

Carried

Item #7: S-49-10-B (Jasek)

In Attendance: Adam Jasek

Discussion

The subject lands consist of two large parcels (43 acres and 63 acres) in the District of Bedford, with one of the parcels having frontage on Thirty Island Lake. The larger parcel is developed with a dwelling and accessory building. The applicant is proposing to sever an 8+/- acre parcel as a lot addition to a .53 acre waterfront parcel which is developed with a single family dwelling and accessory buildings. The right-of-way that crosses the parcel to be enlarged will continue to be accessible to all those who currently have the right to cross the property, and, as a "clean-up" measure, all portions of lanes/rights-of-way that cross the properties involved in this application will be appropriately deeded to the lands over which they cross.

RESOLUTION: C of A: 10:06:05

Moved by: R. Phillips

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-49-10-B by Adam Jasek, Janina Jasek and Tamara Jasek, concession 3, lot 8, District of Bedford, to create a lot addition to 308A Henry Lane, subject to conditions.

Carried

Application No:	S-49-10-B
Owner:	Adam Jasek, Janina Jasek, Tamara Jasek
Location of Property:	Concession III, Lot 8, Thirty Island Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	July 8, 2010
Date of Decision:	July 8, 2010

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-49-10-B shall be for an 8+/- acre lot addition to 308A Henry Lane. The deed shall recognize that this is for a lot addition only and that the parcels cannot be transferred separately.**
- 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 for the lot addition, 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 South Frontenac Township Comprehensive Zoning By-law to amend the zoning on the lot addition portion from Rural to Limited Service – Residential Waterfront.**
7. **Any portion of a right-of-way which grants access to any other waterfront property shall be shown as a separate parcel on the reference plan and shall be recognized on the property over which it crosses and the property to which it gives access.**
8. **The owners of the property to be enlarged shall enter into a development agreement with the Township, to be registered on title, which deals with the Township's limited service and environmental policies.**
9. **Any right-of-way over the applicants' property shall be deeded to the owners of the property over which it crosses.**

Item #8: S-50-10-P (Botting)

In Attendance: Alan Thomson, Joe O'Neill

Discussion

The subject lands are 13.15+/- acres in size and front on both Craig and Mallen Roads in Portland District. The proposal is to add a .15 acre parcel to property on Mallen Road. The dwelling on the property to be enlarged encroaches onto the Botting property and this lot addition will clear up this situation. The proposed addition would have resulted in a somewhat irregularly shaped lot, and it was therefore recommended to the applicant that the new lot line be created on an angle. Mr. Thomson indicated that he could not speak for the applicant but that he would ask him if this would be acceptable.

RESOLUTION: C of A: 10:06:06

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-50-10-P by Adam Botting, concession 8, lot 13, District of Portland, to create a lot addition to 1013 Mallen Road, pending a realignment of the lot addition to result in a more regularly shaped lot.

Carried

Item #9: MV-07-10-B (Order of Owls)

In Attendance: Herman Specht, representing the applicants

Discussion

The applicant's property consists of approximately 1.5 acres located on Badour Lane, Bob's Lake, District of Bedford. The proposal was for the construction of a deck at the side of an existing cottage located 35 ft. from high water mark. L. Mills had suggested that they consider constructing the deck on the east side of the cottage at a setback of 50 ft. Neither the Chief Building Official nor the Rideau Valley Conservation Authority supported the development at a 35 ft. setback. The Committee approved the deck at 50 ft., and gave the applicant the option of building it on either the east or west side of the cottage.

RESOLUTION: C of A: 10:06:07

Moved by: D. Hahn

Seconded by: R. Phillips

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-07-10-B, as amended, by Rochester Nest Order of Owls, concession 8, lot 34, District of Bedford, District of Bedford, to permit construction of a deck within 30m of the high water mark of Bob's Lake, subject to conditions.

Carried

Application No: MV-07-10-B
Owner: Rochester Nest Order of Owls
Location of Property: Pt. Lot 34, Concession 8, Bob's Lake, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing: July 8, 2010
Date of Decision: July 8, 2010

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

CONDITIONS

1. **The variance is limited to construction of a 12 ft. x 24 ft. uncovered deck to be located a minimum of 50 ft. from the high water mark.**
2. **Minor variance MV-07-10-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
4. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's limited service and environmental policies, and which specifies that a permit will be required from Rideau Valley Conservation for any shoreline or in-water works.**

REASON FOR DECISION: The variance, as amended, has been approved by staff and agencies, and the proposal is considered minor.

Item #10: MV-08-10-B (Murray)

In Attendance: Charles Murray

Discussion

The applicant's property consists of approximately .58 acres located on Island Drive Lane, Bob's Lake, District of Bedford. The proposal is for the construction of a 14 ft. x 22 ft. garage, to replace an existing smaller shed located, according to the application, 68+/- ft. from the high water mark. However, the dwelling and shed are situated on a peninsula and the existing shed is actually only 53 ft. from the HWM to the east, and the larger replacement shed would be approximately 48 ft. from the HWM. Neither the Rideau Valley Conservation Authority nor Public Health has an objection to the application.

There was some discussion about the possibility of locating the shed outside the 30 m setback, but Mr. Murray felt that this would not be appropriate for the site, and would not serve his purposes. The Bedford District Committee members expressed the view that the new building should be located further from the water on the east, and could be made smaller. It was decided to permit a 14 ft. x 18 ft. shed, to be located 58 ft. from the high water mark on the east, and 60 ft. from the high water mark on the west.

RESOLUTION: C of A: 10:06:08

Moved by: D. Hahn

Seconded by: R. Phillips

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-08-10-B by Charles & Marie Murray, concession 6, lot 31/32, District of Bedford, to permit construction of an accessory building within 30m of the high water mark of Bob's Lake, as amended, subject to conditions.

Carried

Application No:	MV-08-10-B
Owner:	Charles & Marie Murray
Location of Property:	Pt. Lot 31/32, Concession 6, Bob's Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing:	July 8, 2010
Date of Decision:	July 8, 2010
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

1. **The variance is limited to construction of a 14 ft. x 18 ft. accessory building to be located a minimum of 58 ft. from the high water mark on the east side, and 60 ft. from the high water mark on the west side.**
2. **Minor variance MV-08-10-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
4. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's limited service and environmental policies, which specifies that a permit will be required from Rideau Valley Conservation for any shoreline or in-water works, and which specifies that no portion of the accessory building may be used for residential purposes without approval of the Township.**

Item #11: MV-09-10-B (Webb)

In Attendance: Pat Shank, building consultant; James Webb

Discussion

The applicant's property consists of approximately 2.1 acres located on Butternut Lane, Crow Lake, District of Bedford. A portion of the cottage, which was more or less hanging over the water, was removed for safety reasons, and the owners are requesting approval to add a similar sized addition at the rear of the cottage. Some clarification was required regarding a proposed balcony and barbeque area. In general, the chief building official did not object to the variance, nor did KFL&A Public Health. No report had been received from Rideau Valley Conservation. D. Hahn expressed concern about the environmental impact of the work required to construct the proposed addition. Mr. Shank explained that all necessary precautions would be taken to ensure no run-off into the lake.

L. Mills requested that additional information be provided with regard to the exact measurements of the proposed addition.

RESOLUTION: C of A: 10:06:09

Moved by: R. Phillips

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-09-10-B by James Webb and Roghieh Rousina-Webb, concession 5, lot 34, District of Bedford, to permit addition to a seasonal dwelling within 30m of the high water mark of Crow Lake, pending receipt of a report from the Rideau Valley Conservation Authority, and confirmation of measurements.

Carried

Item #12: MV-10-10-S (Edwards)

In Attendance: James Edwards

Discussion

The applicant's property consists of approximately 2.2 acres located on Hiawatha Lane, Dog Lake, District of Storrington. The proposal is for the construction of a deck, to be located 84 ft. from the HWM. It will be partially located further back than the existing dwelling, and partly closer to the water. The encroachment into the setback is minor, although the size of the proposed deck is quite significant. The deck has already been partially constructed.

The major problem with the application is that the Cataraqui Region Conservation Authority have indicated that they cannot support the application because they are bound by the Regulation controlling Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, and the proposed addition would further encroach into the erosion hazard setback. If the deck did not go closer to the water than the existing dwelling, there would not likely be a need for a minor variance.

It was agreed that the application would be deferred until an opportunity had been provided to discuss possible alternatives with the CRCA.

RESOLUTION: C of A: 10:06:10

Moved by: W. Robinson

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-10-10-S by James & Debra Edwards, concession 8, lot 15/16, District of Storrington, to permit construction of a deck on a dwelling within 30m of the high water mark of Dog Lake, pending a discussion with the Cataraqui Region Conservation Authority regarding a possible compromise.

Carried**Item #13: MV-11-10-B (Smith)**

In Attendance: Charles Smith

Discussion

The applicant's property consists of approximately .95 acres and is developed with a seasonal dwelling, deck, shed and trailer (the latter is being removed). The applicant wishes to construct a 720 sq. ft. addition, built on two levels, 53 ft. from the high water mark, and a 360 sq. ft. deck, 44 ft. from the high water mark. L. Mills noted that the applicant is constrained by the terrain, and that there is significant mature vegetation along the water's edge. The CBO has also indicated that there is a large existing deck on the property, and that the addition would be within 15m of a slope which is greater than 30%. Comments have not yet been received from Rideau Valley Conservation.

RESOLUTION: C of A: 10:06:11

Moved by: R. Phillips

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-11-10-B by Melissa Smith, concession 3, lot 19/20, District of Bedford, to permit addition to a dwelling within 30 m of the high water mark of Bob's Lake, pending receipt of a report from the Rideau Valley Conservation Authority.

Carried**Item #14: Amendment to conditions – S-31-10-S (1324789 Ontario Inc.)**

This application was for lot additions of waterfront property to non-waterfront parcels on Round Lake Road. Because of concerns about potential additional development on Inverary Lake, Council has asked that the Committee of Adjustment consider amending the conditions of consent to require that the applicant rezone the enlarged parcels to establish a minimum setback of 40m from the high water mark of Inverary Lake.

RESOLUTION: C of A: 10:06:12

Moved by: L. York

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves an amendment to the conditions of consent S-31-10-S by 1324789 Ontario Inc. to include a condition that the applicant obtain an amendment to the Township Comprehensive

Zoning By-law which establishes a minimum 40 m setback for any development on the enlarged parcels.

Carried

Item #15: Refund re consent S-95-08-B (Sullivan)

In 2008, Frank Sullivan applied to sever a lot from property on Burrige Road and Green Lake in Bedford District. However, the main part of the property was separated from the road frontage portion by an unopened road allowance and the severance could not be granted until this portion of road allowance was closed by the Township and transferred to Mr. Sullivan. He pursued this option over the next several months and would potentially have been able to close the road allowance. However, this is a fairly expensive proposition and he ultimately decided not to finalize the road closing.

Staff are concerned that Mr. Sullivan was not properly advised of the problem with the road allowance prior to taking the application to the Committee. He had therefore already expended considerable funds. Staff recommended that he be reimbursed for part of his application fee. Taking into account the work carried out by staff (including planning and building department), it was suggested that a reasonable reimbursement would be \$250. The Committee does not have the authority to decide on this action; however, they can make a recommendation to Council to reimburse Mr. Sullivan in the amount of \$250.

RESOLUTION: C of A: 10:06:13

Moved by: D. Hahn

Seconded by: R. Phillips

THAT the South Frontenac Township Committee of Adjustment hereby recommends to Council that a refund in the amount of \$250 be granted to Frank Sullivan regarding consent application S-95-08-B.

Carried

Item #16: Adjournment

RESOLUTION: C of A: 10:06:14

Moved by: L. York

Seconded by: W. Robinson

THAT the July 8, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:20 p.m. to reconvene at 7:00 p.m. on Thursday, August 12, 2010 or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-Treasurer