

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE  
MINUTES 10:02  
MARCH 11, 2010**

**LOCATION:** South Frontenac Municipal Offices, Sydenham

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

**ABSENT WITH REGRETS:** Len McCullough (Loughborough District)

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

**RESOLUTIONS & BUSINESS:**

<u>Item #</u>	<u>Subject</u>	<u>Page</u>
1.	Call to order	1
2.	Adoption of Agenda	1
3.	Declaration of Pecuniary Interest	1
4.	Approval of Minutes – February 11, 2010	1
5.	S-04-09-L (Gordon – amendment)	2
6.	S-63-09-B (Barton)	2
7.	S-66-09-P (B. Babcock)	4
8.	S-03-10-L (Nickel)	5
9.	MV-12-09-L (Green)	7
10.	MV-14-09-L (Judge)	7
11.	S-04-10-P (Copgnasheene II LP)	8
12.	S-05-10-P, S-06-10-P, S-07-10-P (Dowker)	10
13.	S-08-10-P, S-09-10-P, S-10-10-P (W. & N. Babcock)	10
14.	S-11-10-P, S-12-10-P, S-13-10-P (W. & N. Babcock)	11
15.	S-14-10-L (Burke, Postma, Sinclair, Green)	11
16.	Adjournment	12

**Item #1: Call to Order**

RESOLUTION: C of A: 10:02:01

Moved by: J. Moreland

Seconded by: L. York

**THAT the March 11<sup>th</sup>, 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 February 11<sup>th</sup>, 2009 meeting**

RESOLUTION: C of A: 10:02:02

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the February 11<sup>th</sup>, 2010 meeting of the Committee, as circulated.**

Carried

**Item #5: S-04-09-L (Gordon)**

Discussion

In 2009, the Committee approved a severance for a commercial development, from the property of Sally Gordon, concession 4, lot 7, District of Loughborough. Following several discussions and reports, as well as considerable input, the Committee wished to clarify their conditions by requiring detailed information regarding the location of the storm water management pond in relation to the well. Such an amendment is made under section 53, ss 23 and 26 of *The Planning Act*.

RESOLUTION: C of A: 10:02:03

Moved by: J. Moreland

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves an amendment to the conditions of consent for application S-04-09-L by Sally Gordon, concession 4, lot 7, District of Loughborough, as follows:**

**Addition of condition #10: "The applicant shall provide detailed information regarding the location of the storm water management pond in relation to the well."**

Carried

**Item #6: S-63-09-B (Barton)**

In Attendance: James Barton, Anne Bonwill Barton

Discussion

The subject lands consist of 14.6+/- acres with frontage on Opinicon Road and Opinicon Lake. The property is developed with a single family dwelling. Two parcels belonging to the applicants have merged because they were not created by consent or through a plan of subdivision, and they are held in common ownership. The applicant is proposing to re-divide the property by severing off the house with 2.34 acres and 112 ft. of water frontage, and retaining 12.3 acres with 128 ft. of water frontage. The applicant has indicated that this would constitute a "technical severance" because of how the properties came to be merged. In fact, there is no reference in the Planning Act to a "technical severance" although some municipalities use the term to refer to certain types of severance which they may feel do not require the same rigorous standards as the usual applications.

Neither the severed nor retained parcel would have the required water frontage, and the proposed severed lot would be slightly undersized. L. Mills recommended that the Committee not approve the severance based on the significantly deficient water frontage. D. Hahn indicated that he could support the application if a greater setback was imposed. In addition, the severed parcel would need to meet the minimum 2.5 acre requirement.

RESOLUTION: C of A: 10:02:03A

Moved by: R. Phillips

Seconded by: D. Hahn

**THAT the South Frontenac Township Committee of Adjustment hereby approves application S-63-09-B by Anne Bonwill Barton and James Barton, concession 17, lot 2, Opinicon Lake, District of Bedford, to create a waterfront lot, subject to conditions.**

Carried

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<b>Application No:</b>	S-63-09-B
<b>Owner:</b>	Anne Bonwill Barton, James Barton
<b>Location of Property:</b>	Concession 17, lot 2, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To create waterfront lot
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	March 11, 2010

**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 (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-63-09-B shall be for a 2.5+ acre developed lot, with frontage on a private lane and on Opinicon Lake.
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:
  - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:
 

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.*
  - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall obtain an amendment to the Township's Comprehensive Zoning By-law to: rezone the severed parcel from Rural to Limited Service – Residential Waterfront, and to recognize its deficient water frontage; to rezone the retained parcel from Rural to Residential Waterfront, and to recognize its deficient water frontage; and to include a condition that the minimum setback from the water for development on the retained parcel shall be 90 metres.
8. The private lane (Cedar Creek Lane) which provides access to the severed parcel shall be upgraded to meet the Township's standards for existing private lanes.
9. The applicant shall enter into a development agreement with the Township, to be registered on title to the severed and retained parcels, which deals with the

Township's environmental and limited service policies, and which requires:

- that the owner contact Parks Canada – Rideau Canal Office to obtain written approval prior to the commencement of construction on the retained parcel
- that the owner obtain a permit from Parks Canada – Rideau Canal for any shoreline or in-water works, or docks
- that a permit is required from the Cataraqui Region Conservation Authority for any new lane crossing of the creek on the property.

**Item #7: S-66-09-P (B. Babcock)**

In Attendance: Benson Babcock

Discussion

The subject lands consist of 43.7+/- acres with frontage on Holleford and Trousdale Roads, District of Portland, and are vacant. The applicant is proposing to sever a 3.7+/- acre parcel as a residential lot. The application was deferred at the February meeting because a report had not been received from Public Health. The report is now available and is favourable.

RESOLUTION: C of A: 10:02:04

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-66-09-P by Benson Babcock, concession 8, lot 4, District of Portland, to create a residential lot, subject to conditions.**

Carried

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<b>Application No:</b>	S-66-09-P
<b>Owner:</b>	Benson Babcock
<b>Location of Property:</b>	Concession VIII, Lot 4, Holleford Road, District of Portland, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of residential lot
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	March 11, 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-66-09-P shall be for a 3.7+/- acre lot, with a minimum of 250 ft. frontage on Holleford 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 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 #8: S-03-10-L (Nickel)**

**Discussion**

The subject lands consist of 17.5+/- acres with frontage on Bell Road, Nature Lane and Knowlton Lake, District of Loughborough. There are two dwellings on the property – the principal dwelling near Bell Road, and a secondary dwelling on the parcel to be retained. Approval of this severance would result in one dwelling per lot. The retained parcel would have over 300 ft. of water frontage and would be 3+/- acres in size. A rezoning will be required.

A decision on the application was deferred at the February 11<sup>th</sup> meeting because a report had not been received from Public Health. A favourable report is now available. CRCA does not object to the severance.

RESOLUTION: C of A: 10:02:05

Moved by: L. York

Seconded by: J. Moreland

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-03-10L by Karen Nickel, concession 9, part lots 1 & 2, District of Loughborough, to create a residential lot, with an existing dwelling, subject to conditions.**

**Carried**

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<b>Application No:</b>	S-03-10-L
<b>Owner:</b>	Karen Nickel
<b>Location of Property:</b>	Concession IX, Lot 1/2, Knowlton Lake/Nature Lane, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of residential lot with existing dwelling
<b>Date of Hearing:</b>	February 11, 2010
<b>Date of Decision:</b>	March 11, 2010

**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 (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-03-10-L shall be for a 19 +/- acre lot, with existing dwelling and accessory building, with 150 ft. frontage on Bell Road. The retained parcel shall have a minimum of 300 ft. frontage on Knowlton Lake and be a minimum of 2.5 acres in size, and shall be together with a right-of-way from Bell 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 land (Bell 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/or retained lands as the case may be 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.
7. The applicant shall obtain an amendment to the Township of South Frontenac Comprehensive Zoning By-law to rezone the retained property from Residential Waterfront to Limited Service – Residential Waterfront.
8. The applicant shall enter into a development agreement to be registered on title to the retained lot which addresses the Township's environmental policies, requires that any development be setback a minimum of 30m from the lake, and requires that the owner contact the Cataraqui Region Conservation Authority prior to any development on the retained parcel to determine if a permit is required.

**Item #9: MV-12-09-L (Green)****Discussion**

The applicant's property consists of approximately 1.2 acres located on Smeltzer Lane, Desert Lake. The applicant is proposing to construct a 1200 sq. ft. building to be located 70 ft. from the high water mark. There is currently a garage/shed on the property. The CRCA is prepared to support the application at a 70 ft. setback, provided the maximum footprint of the dwelling does not exceed 1000 sq. ft. The applicant has also submitted a report from DBA Engineering Ltd. which addresses the stability of the granite slope. Public Health has indicated that there are two acceptable locations for a septic system. The application was deferred at the December Committee meeting so that additional site visits could be made. There was some concern in particular about site clearing that had apparently taken place on the property. The Planning Coordinator is now satisfied that the clearing that has taken place is actually on a neighbouring property, and that the land rises slightly between the proposed building site and the lake, thus greatly reducing the likelihood of run-off into the lake.

RESOLUTION: C of A: 10:02:06

Moved by: L. York

Seconded by: J. Moreland

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-12-09-L by Edward Green, concession 14, part lot 7, District of Loughborough, to construct a dwelling within 30m of the high water mark of Desert Lake, subject to conditions, as amended.**

Carried

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<b>Application No:</b>	MV-12-09-L
<b>Owner:</b>	Edward Green
<b>Location of Property:</b>	Pt. Lot 7, Concession 14, Desert Lake, District of Loughborough, 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 high water mark
<b>Date of Hearing:</b>	December 10, 2009
<b>Date of Decision:</b>	March 11, 2010

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

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**CONDITIONS:**

- 1. The variance is limited to construction of a dwelling with a maximum footprint of 1000 sq. ft. (including decks) and a maximum gross floor area of 1500 sq. ft. to be located a minimum of 70 ft. from the high water mark of Desert Lake.**
- 2. Minor variance MV-12-09-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. 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 to the property, which includes the municipality's environmental and limited service policies.**
- 5. Only one dwelling is permitted on the site.**

**Item #10: MV-14-09-L (Judge)**

In Attendance: Mike & Heather Judge

**Discussion**

The applicants' property consists of approximately .45 acres, partly located in Loughborough District, and partly in Bedford District, with an unopened road allowance separating the parcels. An old trailer with attached shed is located on the road allowance. This structure will be removed. The applicants are proposing to construct a new dwelling on the Loughborough

portion of their property, at a setback of 50 ft. from the HWM. The applicants submitted a preliminary environmental assessment which supported the application. The application was deferred at the December, 2009 meeting of the Committee for two reasons: the CRCA required additional information, specifically concerning floodplain setbacks, and some Committee members and staff wanted to visit the site again. The applicants provided a surveyor's sketch regarding the location of the proposed dwelling in relation to the floodplain, and the CRCA now has no objection to the proposal provided that the dwelling has a footprint of no more than 1000 sq. ft. Another issue related to this variance is the proposed new access over an existing lane (Neva Lane) and an extension of that lane over property owned by Ron Green. Because it appears that Neva Lane is held in the ownership of three different individuals, the applicants have obtained the approval of those individuals, as well as that of Mr. Green, to change the legal access to the lot. The application for this is S-14-10-L.

RESOLUTION: C of A: 10:02:07

Moved by: D. Hahn

Seconded by: R. Phillips

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-14-09-L by Michael & Heather Judge, concession 14, part lot 26, District of Loughborough, to construct a dwelling within 30m of the high water mark of Buck Lake, subject to conditions.**

Carried

<b>Application No:</b>	MV-14-09-L
<b>Owner:</b>	Michael & Heather Judge
<b>Location of Property:</b>	Pt. Lot 26, Concession 14, Buck Lake, District of Loughborough, 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 high water mark
<b>Date of Hearing:</b>	December 10, 2009
<b>Date of Decision:</b>	March 11, 2010

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

**CONDITIONS:**

1. **The variance is limited to construction of a dwelling with a maximum footprint of 1000 sq. ft. (including decks) to be located a minimum of 50 ft. from the high water mark of Buck Lake.**
2. **Minor variance MV-14-09-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. 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 remove the trailer and any accessory structures from the road allowance that runs through the property.**
4. **The applicant shall enter into a site plan agreement with the Township, to be registered on title to the property, which includes the municipality's environmental and limited service policies, and which requires the owners to obtain a permit from the Cataraqui Region Conservation Authority for any development on the property.**

**Item #11: S-04-10-P (Cognashene II LP)**

In Attendance: Kelly Reade

**Discussion**

The subject lands consist of 58.75 +/- acres with frontage on Wallace Road, District of Portland, and are developed with a dwelling, garage and accessory shed. The applicant is proposing to sever a 3.75 +/- acre parcel with the existing dwelling and garage. The retained parcel will be 55 acres in size and contains a farm storage shed. There have been no objections to the application.



However, the proposed severed lot is located within the required minimum distance separation from the barn on the retained lot. The applicant agreed to remove the barn before the deeds are stamped.

RESOLUTION: C of A: 10:02:08

Moved by: W. Robinson

Seconded by: L. Redden

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-04-10-P by Cognashene II LP, concession 4, part lot 12, Wallace Road, District of Portland, to create a residential lot with existing dwelling, subject to conditions.**

Carried

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<b>Application No:</b>	S-04-10-P
<b>Owner:</b>	Cognashene II LP (Reade)
<b>Location of Property:</b>	Concession IV, Lot 12, Wallace Road, District of Portland, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of residential lot with existing dwelling
<b>Date of Hearing:</b>	March 11, 2010
<b>Date of Decision:</b>	March 11, 2010

**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 (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-04-10-P shall be for a 3.75+/- acre lot, with 460+/- ft. frontage on Wallace Road. The structures on the severed parcel shall meet all setback requirements from the new lot lines.**
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:**
  - 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 report verifying potable water on the severed parcel.
8. The barn on the retained parcel must be removed prior to the stamping of the deeds for the severed lot.

**Item #12: S-05-10-P, S-06-10-P, S-07-10-P (Dowker)**  
In Attendance: Wendell Dowker

Discussion

The subject lands consist of 99+/- acres with frontage on Holleford Road, District of Portland, and are vacant. The applicant is proposing to sever 3 residential lots, each more than 2.5 acres in size and with a minimum of 250 ft. road frontage. Other property owners (Babcock) have applied to sever three lots on the west side of Holleford Road, in concession 4 (S-08-10-P, S-09-10-P and S-10-P) and three on the east side of the road in concession 3 (S-11-10-P, S-12-10-P & S-13-10-P). This would constitute a considerable amount of development on a relatively short stretch of a rural road. The greatest problem may be that much of the land in question is situated within an area that has been identified as extremely sensitive in terms of ground water. L. Mills noted that it would be appropriate for the Committee to require a study to confirm the suitability of the lots for development. The Committee members were asked to vote on the applications and Committee member Robinson asked for a recorded vote.

RESOLUTION: C of A: 10:02:09

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-05-10-P, S-06-10-P, and S-07-10-P by Wendell & Kathleen Dowker, concession 8, part lot 3, Holleford Road, District of Portland, to create residential lots, subject to conditions.**

Carried

Recorded Vote:

D. Hahn	No	W. Robinson	Yes
J. Moreland	Yes	R. Vandewal	No (abstention)
R. Phillips	No	L. York	Yes
L. Redden	Yes		

Following the vote, the Committee recognized that a final decision on conditions could not be made until a report had been received from Public Health. Further discussion on the applications will take place at the April Committee meeting.

**Item #13: S-08-10-P, S-09-10-P, S-10-10-P (Babcock, W. & N.)**  
In Attendance: Bill Babcock, Neil Babcock

Discussion

The subject lands consist of 50+/- acres with frontage on Holleford Road, District of Portland, and are vacant. The applicants are proposing to sever 3 residential lots, each a minimum of 2 acres in size and with a minimum of 250 ft. road frontage. The same applicants have applied to sever three lots on the east side of Holleford Road, in concession 3 (S-11-10-P, S-12-10-P and S-13-10-P). In addition the Township has received applications for the creation of three lots from the property of Wendell & Kathleen Dowker on the east side of

Holleford Road, also in lot 3. (S-05-10-P, S-06-10-P, S-07-10-P). As indicated under item #12 above, this would constitute a considerable amount of development on a relatively short stretch of a rural road. The proposed lots appear to lie within, or very close to, a highly sensitive area in terms of ground water. The Committee agreed to defer their decision on these applications until reports had been received from Public Health.

RESOLUTION: C of A: 10:02:10

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-08-10-P, S-09-10-P, and S-10-10-P by William Babcock and Neil Babcock, concession 8, part lot 4, Holleford Road, District of Portland, to create residential lots, pending receipt of reports from Public Health.**

Carried

**Item #14: S-11-10-P, S-12-10-P, S-13-10-P (Babcock, W. & N.)**  
See discussion under item #13 above.

RESOLUTION: C of A: 10:02:11

Moved by: W. Robinson

Seconded by: L. Redden

**THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-11-10-P, S-12-10-P and S-13-10-P by William Babcock and Neil Babcock, concession 8, part lot 3, Holleford Road, District of Portland, to create residential lots, pending receipt of reports from Public Health.**

Carried

**Item #15: S-14-10-L (Burke, Postma, Sinclair, Green)**  
In Attendance: Michael Judge

Discussion

Michael and Heather Judge, who own property in concession 14, lot 26, Buck Lake, District of Loughborough, have a legal access to their property over a poorly constructed and maintained right-of-way that runs off of Perth Road over property owned by Ronald Green. A much more suitable access has been made available to them over Neva Lane (which runs off of Norman Lane to access properties on Buck Lake) with a short extension of that lane across the Green property. Township records indicate that three different people own Neva Lane, and because Mr. Green owns the land over which the lane has been extended, all of these individuals must grant access to the Judges before this can become their official access.

RESOLUTION: C of A: 10:02:12

Moved by: D. Hahn

Seconded by: R. Phillips

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-14-10-L by James Burke, John Postma, Duncan Sinclair and Ronald Green, concession 14, part lots 24, 25, 26, Neva Lane, District of Loughborough, to grant right-of-way access to the property of Michael and Heather Judge, concession 14, part lot 26, Buck Lake, District of Loughborough, subject to conditions.**

Carried

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<b>Application No:</b>	S-14-10-L
<b>Owner:</b>	James Burke, John Postma, Duncan Sinclair, Ronald Green
<b>Location of Property:</b>	Concession XIV, Part Lots 24, 25, 26, Buck Lake, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	Consent to provide right-of-way
<b>Date of Hearing:</b>	March 11, 2010
<b>Date of Decision:</b>	March 11, 2010

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

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CONDITIONS:

1. An acceptable reference plan or legal description of the right-of-way in duplicate, and the deed or instrument (in triplicate) granting the right-of-way 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. Consent Application S-14-10-L shall be for a right-of-way only to the property of: Michael & Heather Judge, concession 14, part lot 26, District of Loughborough, and concession 11, part lot 1, District of Bedford. The existing right-of-way to this property off of Perth Road which is to be replaced by the new right-of-way, shall be extinguished.
3. The right-of-way known as Neva Lane shall be upgraded as necessary to the Township's standards for existing private lanes, and the extension of the right-of-way shall be constructed according to the Township's standards for new private lanes.
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. 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.

Item #16: Adjournment & Next Meeting

RESOLUTION: C of A: 10:02:13

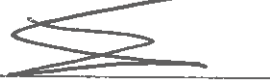
Moved by: R. Phillips

Seconded by: D. Hahn

THAT the March 11, 2010 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:35 p.m. to reconvene at 7:00 p.m. on Thursday, April 8<sup>th</sup>, 2010, or at the call of the Chair.

Carried


Ron Vandewal, Chairman



Lindsay Mills, Secretary-Treasurer