

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 11:04
MAY 12, 2011**

LOCATION: South Frontenac Municipal Offices,
Sydenham

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

ABSENT WITH REGRETS: David Hahn (Bedford District)

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

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 11:04:01

Moved by: L. York

Seconded by: K. Gee

THAT the May 12, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:01 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 April 14, 2011 meeting

RESOLUTION: C of A: 11:04:02

Moved by: L. McCullough

Seconded by: K. Gee

THAT the minutes of the April 14, 2011 meeting of the South Frontenac Township Committee of Adjustment are hereby approved as circulated

Carried

Item #5: S-88-08-P (Sabourin)

Speaking to the application: Corwin Sabourin

Discussion

The subject lands consist of 10+/- acres developed with a residence. The applicant is proposing to create a 7+/- acre residential lot. Both the severed and retained parcels would have the necessary frontage on a public road. This application was originally submitted in 2008, but was temporarily set aside because of concerns expressed by Quinte Conservation, and also by the CBO, about the extent of wetland./swamp on the proposed new lot. The applicant has now decided to widen the lot to the north and to build close to the road rather than further back on the property.

Quinte Conservation asked that the applicant provide evidence of a building envelope outside of a wetland area that they had marked. A survey sketch was prepared by an Ontario Land Surveyor, and it shows a suitable building site in the area which Public Health had agreed was appropriate for the location of a sewage disposal system.

There was discussion about the appropriate location of the entrance onto the property. The Committee agreed to include a condition requiring that the entrance be constructed prior the stamping of the deed, and that specific drainage requirements be at the expense of the applicant.

RESOLUTION: C of A: 11:04:03

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-88-08-P by Corwin Sabourin to create a 7+/- acre residential lot in concession 9, lot 6, Hinchinbrooke Road, District of Portland, subject to conditions.

Carried

Application No:	S-88-08-P
Owner:	Corwin Sabourin
Location of Property:	Concession IX, Lot 6, Hinchinbrooke Road, District of Portland, Township of South Frontenac
Purpose of Application:	Create residential lot – 6+/- acres
Date of Hearing:	November 6, 2008
Date of Decision:	May 12, 2011

**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-88-08-P shall be for a 7+/- acre lot, with a minimum of 250 ft. frontage on Hinchinbrooke 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.
8. The entrance shall be constructed in the location identified on site by the Roads Department. Requirements will include a 30 ft. culvert, as well as ditching on the owner's land from the driveway south to the ditch which connects to the main culvert, and removal of the small beaver dam near the building site.

Item #6: S-03-11-B (1394796 Ontario Inc.)
Speaking to the application: Wilfred Crain

Discussion

The subject lands consist of 123+/- acres (in two parcels) with frontage on Badour Road and Bob's Lake. This application is for the addition of 4.7+/- acres to a very small waterfront lot. Related applications are S-04-11-B to S-07-11-B.

RESOLUTION: C of A: 11:04:04

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-03-11-B by 1394706 Ontario Inc to create a lot addition in concession 7, lot 35, District of Bedford, subject to conditions.

Carried

Application No: S-03-11-B
Owner: 1394706 Ontario Inc. (Crain)
Location of Property: Concession 7, Lot 35, District of Bedford,
 Township of South Frontenac
Purpose of Application: Creation of 4.7+/- acre lot addition
Date of Hearing: March 11, 2011
Date of Decision: May 12, 2011

DECISION: **PROVISONAL 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. **Consent Application S-03-11-B creates a lot addition only to property fronting on Bob's Lake, concession 7, lot 35, and shall be identified as a lot addition to the aforementioned property on the consent certificate.**
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.**

Item #7: S-04-11-B (1394706 Ontario Inc)

Speaking to the Application: Wilbert Crain

Discussion:

The subject property fronts on Badour Road and Bob's Lake. The application is to create a right-of-way to access 3 proposed lots on the easterly portion of the applicant's property. This lane will need to be surveyed and constructed according to the Township's standards for new lanes.

RESOLUTION: C of A: 11:04:05

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-04-11-B by 1394706 Ontario Inc. to crate a right-of-way in concession 7/8, lot 35, District of Bedford, subject to conditions.

Carried

Application No: S-04-11-B
Owner: 1394706 Ontario Inc. (Crain)
Location of Property: Concession 7/8, Lot 35, District of Bedford,
 Township of South Frontenac
Purpose of Application: Creation of right-of-way
Date of Hearing: March 10, 2011
Date of Decision: May 12, 2011

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 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-04-11-B creates a right-of-way only to properties in lot 35, concession 7 & 8 which are the subject of consents S-03-11-B, S-5-11-B, S-06-11-B and S-07-11-B.**
3. **The right-of-way shall be constructed according to the Township's standards for new private lanes, and shall be registered on title to the property over which it passes and the properties to which it gives access.**
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 \$100 in lieu of parkland for the right-of-way pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #8: S-05-11-B, S-06-11-B, S-07-11-B (1394706 Ontario Inc.)
Speaking to the application: Wilbert Crain

Discussion

The subject lands consist of 123+/- acres (in two parcels) with frontage on Badour Road and Bob's Lake. The applications are for the creation of 3 waterfront lots – 3+ acres each. The Roads Department is satisfied that the access point off of Badour Road can accommodate traffic for three additional dwellings. The waterfront lots will need to be rezoned to Limited Service – Residential Waterfront.

RESOLUTION: C of A: 11:04:06

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-05-11-B by 1394706 Ontario Inc to create a waterfront lot in concession 8, lot 35, District of Bedford, subject to conditions.

Carried

Application No:	S-05-11-B
Owner:	1394706 Ontario Inc. (Crain)
Location of Property:	Concession 8, Lot 35, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 3+ acre waterfront lot
Date of Hearing:	March 10, 2011
Date of Decision:	May 12, 2011

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-05-11-B shall be for a 3+ acre lot, with a minimum of 300 ft. frontage on Bob's Lake. The lot shall be accessed by the right-of-way created through consent application S-04-11-B.**
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 severed parcel shall be rezoned from Rural to Limited Service – Residential Waterfront.**
7. **The applicant shall enter into a development agreement with the municipality, to be registered on title to the severed and retained parcels which deals with the Township's environmental policies and which incorporates the recommendations of the Rideau Valley Conservation Authority.**

RESOLUTION: C of A: 11:04:07

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-06-11-B by 1394706 Ontario Inc. to create a waterfront lot in concession 8, lot 35, District of Bedford, subject to conditions.

Carried

Application No:	S-06-11-B
Owner:	1394706 Ontario Inc. (Crain)
Location of Property:	Concession 8, Lot 35, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 3+ acre waterfront lot
Date of Hearing:	March 10, 2011
Date of Decision:	May 12, 2011

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-06-11-B shall be for a 3+ acre lot, with a minimum of 300 ft. frontage on Bob's Lake. The lot shall be accessed by the right-of-way created through consent application S-04-11-B.
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 severed parcel shall be rezoned from Rural to Limited Service – Residential Waterfront.
7. The applicant shall enter into a development agreement with the municipality, to be registered on title to the severed and retained parcels which deals with the Township's environmental policies and which incorporates the recommendations of the Rideau Valley Conservation Authority.

RESOLUTION: C of A: 11:04:08

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-07-11-B by 139704 Ontario Inc. to create a waterfront lot in concession 8, lot 35, District of Bedford, subject to conditions.

Carried

Application No:	S-07-11-B
Owner:	1394706 Ontario Inc. (Crain)
Location of Property:	Concession 8, Lot 35, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 3+ acre waterfront lot
Date of Hearing:	March 10, 2011
Date of Decision:	May 12, 2011

**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-07-11-B shall be for a 3+ acre lot, with a minimum of 300 ft. frontage on Bob's Lake. The lot shall be accessed by the right-of-way created through consent application S-04-11-B.
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 severed parcel shall be rezoned from Rural to Limited Service – Residential Waterfront.

Item #9: S-09-11-B (McGowan)

Discussion

The subject lands consist of 35+/- acres with frontage on James Wilson Road and Thirty Island Lake. This application and S-10-11-B are for a consent to create a 25+/- acre parcel with existing dwelling and accessory buildings, and a consent to create an 11.5+/- acre lot addition to an existing residential lot. The applications were deferred at the April meeting because a report was not available from Public Health. A favourable report is now available.

RESOLUTION: C of A: 11:04:09

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-09-11-B by Joan McGowan to create a 25+/- acre lot with existing dwelling, in concession 3, lot 5, James Wilson Road, District of Bedford, subject to conditions.

Carried

Application No:	S-09-11-B
Owner:	Joan McGowan
Location of Property:	Concession 3, Lot 5, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of new 25+/- acre lot with existing dwelling
Date of Hearing:	April 14, 2011
Date of Decision:	May 12, 2011

**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-09-11-B shall be for a 25+/- acre lot, with an existing dwelling, and with a minimum of 250 ft. frontage on James Wilson 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 (as though it were vacant land) 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 provide evidence of potable water on the severed parcel.

Item 10: S-10-11-B (McGowan)

Discussion

See S-09-11-B

RESOLUTION: C of A: 11:04:10

C of A: 11:04:10

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-10-11-B by Joan McGowan to create an 11.5+/- acre lot addition in concession 3, lot 5, James Wilson Road, District of Bedford, subject to conditions.

Carried

Application No:	S-10-B11-B
Owner:	Joan McGowan
Location of Property:	Concession 3, Lot 5, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of 11.5+/- acre lot addition to existing residential lot

Date of Hearing: April 14, 2011
Date of Decision: May 12, 2011

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. **Consent Application S-10-11-B creates a lot addition only to property fronting on James Wilson Road, described as parts 1 & 2 on Plan 13R-18590, and shall be identified as a lot addition to the aforementioned property on the consent certificate.**
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 deed creating a residential parcel through consent application S-09-11-B must be registered prior to the registration of the deed creating the lot addition through application S-10-11-B.**

Item #11: S-12-11-P (Huff, Robinson)

Speaking to the application: Kathyne Huff/Charles Robinson

Discussion

The subject lands consist of 185+/- acres with frontage on Quinn Road, District of Portland. The applicants are seeking approval for the creation of a 2.6+/- acre residential lot, with 400 ft. of road frontage. There will still be 280 ft. of frontage on the retained parcel.

RESOLUTION: C of A: 11:04:11

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-12-11-P by Kathyne Huff and Charles Robinson to create a 2.6+/- acre residential lot in concession 3, lot 5, District of Portland, subject to conditions.

Carried

Application No:	S-12-11-P
Owner:	Kathyne Huff, Charles Robinson
Location of Property:	Concession III, Lot 5, Quinn Rd. District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	May 12, 2011
Date of Decision:	May 12, 2011

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-12-11-P shall be for a 2.6+/- acre lot, with a minimum of 250 ft. frontage on Quinn 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 #12: S-13-11-S, S-14-11-S, S-15-11-S (Jenkins, Westgarth)
Speaking to the Application: Tony Jenkins

Discussion

The subject lands consist of 100+ acres with frontage on Dixon Road, District of Storrington. The applicants are seeking approval for the creation of two 2 acre

residential lots and one 4 acre lot, each with a minimum of 250 ft. frontage on Dixon Road. The Roads Department has indicated that some brushing back will be required, and that the location of the entrances must be in a specific location. A condition has been included which requires that the entrances to the two southerly lots must be constructed prior to the stamping of the deeds. Public Health has indicated that they would like a condition registered on title which requires that potential purchasers be notified of the specific location of a sewage disposal system.

A property owner on Dixon Road has expressed concern about the safety of the road with the addition of three new dwellings. Because of this concern, the Area Supervisor for the Roads Department revisited the site with the Public Works Manager, and they were agreed that new entrances could be approved.

RESOLUTION: C of A: 11:04:12

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-13-11-S by Anthony Jenkins and Ralph Westgarth to create a 2+ acre residential lot in concession 7, lot 18, Dixon Road, District of Storrington, subject to conditions.

Carried

Application No:	S-13-11-S
Owner:	Anthony Jenkins, Ralph Westgarth
Location of Property:	Concession VII, Lot 18, Dixon Rd. District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	May 12, 2011
Date of Decision:	May 12, 2011

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-13-11-S shall be for a 2+ acre lot, with a minimum of 250 ft. frontage on Dixon 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.
 8. The applicant shall carry out brushing along the side of the road to the satisfaction of the Roads Department, and shall construct the entrance onto the lot created through S-13-11-S prior to the stamping of the deed.
 9. The applicant shall enter into an agreement with the municipality to be filed at the Township Office, which verifies that all prospective purchasers will be notified of the site restriction regarding the location of a sewage disposal system – i.e. must be located in area where test holes were dug.

RESOLUTION: C of A: 11:04:13

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-14-11-S by Anthony Jenkins and Ralph Westgarth to create a 2+ acre residential lot in concession 7, lot 18, Dixon Road, District of Storrington, subject to conditions.

Carried

Application No:	S-14-11-S
Owner:	Anthony Jenkins, Ralph Westgarth
Location of Property:	Concession VII, Lot 18, Dixon Rd. District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	May 12, 2011
Date of Decision:	May 12, 2011

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-14-11-S shall be for a 2+ acre lot, with a minimum of 250 ft. frontage on Dixon 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,mas 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 carry out brushing along the side of the road to the satisfaction of the Roads Department, and shall construct the entrance onto the lot created through S-14-11-S prior to the stamping of the deed.
9. The applicant shall enter into an agreement with the municipality to be filed at the Township Office, which verifies that all prospective purchasers will be notified of the site restriction regarding the location of a sewage disposal system – i.e. must be located in area where test holes were dug.

RESOLUTION: C of A: 11:04:14

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-15-11-S by Anthony Jenkins and Ralph Westgarth to create a 4+/- acre residential lot in concession 7, lot 18, Dixon Road, District of Storrington, subject to conditions.

Carried

Application No:	S-15-11-S
Owner:	Anthony Jenkins, Ralph Westgarth
Location of Property:	Concession VII, Lot 18, Dixon Rd. District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	May 12, 2011
Date of Decision:	May 12, 2011

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-15-11-S shall be for a 4+/- acre lot, with a minimum of 250 ft. frontage on Dixon 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.
- 8.. The applicant shall enter into an agreement with the municipality to be filed at the Township Office, which verifies that all prospective purchasers will be notified of the site restriction regarding the location of a sewage disposal system – i.e. must be located in area where test holes were dug.

Item #13: MV-05-11-B (Kerz/White)
Speaking to the application: Norm Kerz

Discussion

The applicant's property consists of approximately .62 acres, with 100 ft. frontage on White Lake and is accessed by a private lane. The applicant is seeking approval for a variance to permit a 16 ft. x 28 ft. deck to be located 77 ft. from the high water mark. There is currently an on-ground patio in the location of the proposed deck. There is a bank on the property, but the Chief Building Official has indicated that he does not believe it would have an impact on the proposed development. Quinte Conservation does not object to the application provided that the applicant be required to obtain a permit prior to any development on the property.

RESOLUTION: C of A: 11:04:15

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-05-11-B by Norm Kerz and Elizabeth White, to permit addition of deck to seasonal dwelling in concession 3, lot 11, White Lake, District of Bedford, within 30 m of high water mark, subject to conditions.

Carried

Application No:	MV-05-11-B
Owner:	Norm Kerz, Elizabeth White
Location of Property:	Pt. Lot 11, Concession 3, White 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:	May 12, 2011
Date of Decision:	May 12, 2011
DECISION:	VARIANCE GRANTED, subject to conditions

CONDITIONS

1. **The variance is limited to construction of a 16 ft. x 28 ft. max. sq. ft. deck addition to an existing dwelling, 77 ft. from the high water mark of White Lake.**
2. **Minor variance MV-05-11-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 environmental and limited service policies, which specifies that the applicant must obtain permits from Quinte Conservation prior to any development on the lot, and for any shoreline alteration or in-water work, and that no roof or enclosure is permitted on the deck.**

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

Item #14: MV-06-11-B (Labossiere/Paul)

Speaking to the application: Michael Labossiere

Discussion

The applicant's property consists of approximately .56 acres, with frontage on Deyos Road. The property is developed with a single family dwelling located 54 ft. from the front lot line. The proposed is for a 12 ft. x 16 ft. single storey addition to the front (road side) of the dwelling, so that the setback would be 42 ft. vs 65.6 ft.). L. Mills indicated that this is a very shallow lot, and that a variance seems reasonable under the circumstances.

RESOLUTION: C of A: 11:04:16

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-06-11-B by Michael Labossiere and Mary Paul, to permit addition to dwelling in concession 1, lot 1, District of Bedford, within 20m of front lot line, subject to conditions.

Carried

Application No:	MV-06-11-B
Owner:	Michael Labossiere, Mary Paul
Location of Property:	Pt. Lot 1 Concession 1, Deyos Road, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 7.3.2 of the Comprehensive Zoning By-law to permit encroachment of the dwelling into the required front yard setback
Date of Hearing:	May 12, 2011
Date of Decision:	May 12, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

1. **The variance is limited to construction of a 12 ft. x 16 ft. single storey addition to an existing dwelling, to be located a minimum of 42 ft. from the front lot line.**

- 2. **Minor variance MV-06-11-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, and development will required approval from Kingston, Frontenac, Lennox & Addington Public Health.**

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

Item #15: MV-07-11-L (Halligan, McDonnell)
 Speaking to the Application: Paul Halligan

Discussion

The applicant's property consists of a lot of approximately 2.84 acres, with frontage on Rickards Road. The property is developed with a single family dwelling located 150 ft. from the front lot line. The applicant is seeking approval for a variance to permit a 24 ft. x 24 ft. one-storey garage to be constructed 100 ft. from the front lot line, contrary to the Township's Zoning By-law which prohibits the location of accessory buildings closer to the front lot line than the principal building.

The new building will be well set back from the road, behind a treed area.

RESOLUTION: C of A: 11:04:17

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-07-11-L by Paul Halligan and Leeann McDonnell, to permit construction of accessory building in front yard, concession 5, lot 15/16, Rickards Road, District of Loughborough, subject to conditions.

Carried

Application No:	MV-07-11-L
Owner:	Paul Halligan, Leeann McDonnell
Location of Property:	Pt. Lot 15/16, Concession 5, Rickards Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	To vary section 8.24.2 of the Comprehensive Zoning By-law to permit an accessory building in front yard
Date of Hearing:	May 12, 2011
Date of Decision:	May 12, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. **The variance is limited to construction of a 24 ft. x 24 ft. single storey accessory building to be located 100 +/- ft. from the front lot line.**
- 2. **Minor variance MV-07-11-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.

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

Item #16: Rebate – Twist

In 2010, Terry & Lorraine Twist applied for a variance (MV-21-10-L) to permit the construction of an accessory building in their front yard – i.e. closer to Perth Road than their dwelling. As part of the usual process followed by staff in dealing with such applications, this application was circulated to the Cataraqui Region Conservation Authority (the property is located on Buck Lake), the Chief Building Official, and neighbouring property owners. A sign was sent to the applicants to be posted on the property, and the date set for a public hearing.

When the Conservation Authority’s environmental planner visited the site, she noted that the proposed garage site was very close to a stream that crosses the property, and also that the proposed site was situated under a hydro line. Neither of these features was indicated on the sketch submitted with the application.

When the applicants were notified of these concerns, they decided that no other location would work for them, and so they decided to withdraw their application. They have subsequently asked for a refund of their application fees.

It is recognized that the majority of the required administrative process was carried out. However, because the usual coloured photos were not produced, no notice of the decision was required to be sent to the applicants, and Committee members were not required to visit the site, the Committee of Adjustment was asked to consider a rebate of a portion of the applicants’ fees.

RESOLUTION: C of A: 11:04:18

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby recommends to Council that Terry and Lorraine Twist receive a refund in the amount of \$150 as partial rebate for a variance application that was withdrawn prior to the public hearing and Committee decision.

Carried

Item #17: Adjournment

RESOLUTION: C of A: 11:04:19

Moved by: W. Robinson

Seconded by: L. Redden

THAT the May 12, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:44 p.m. to reconvene on Thursday, June 9th, 2011 at 7:00 p.m. or at the call of the Chair.

Carried


Ron Vandewal, Chair


Lindsay Mills, Secretary-