

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 14:02
MARCH 6, 2014**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Cam Naish (Storrington District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Pat Barr (Bedford District)

ABSENT WITH REGRETS: David Hahn (Bedford District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Anne Levac – Assistant Sec’y-Treasurer/Committee Clerk

RESOLUTIONS & BUSINESS:

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| 2. | Adoption of Agenda | 1 |
| 3. | Declaration of Pecuniary Interest | 1 |
| 4. | Approval of Minutes – February 13, 2014 | 1 |
| 5. | S-64-13-S, S-65-13-S (1059823 Ontario Ltd.) | 2 |
| 6. | S-05-14-P (Allan) | 5 |
| 7. | S-06-14-B (Snow) | 5 |
| 8. | MV-03-14-B (Snider) | 6 |
| 9. | Other Business: a) wells b) deferrals | 6 |
| 10. | Adjournment | 6 |

Item #1: Call to Order

RESOLUTION: C of A: 14:02:01

Moved by: L. McCullough

Seconded by: C. Naish

THAT the March 6, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:04 p.m. with Ron Vandewal in the Chair.

Carried

Item #2: Adoption of Agenda

Approved as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Approval of Minutes

RESOLUTION: C of A: 14:02:02

Moved by: L. McCullough

Seconded by: K. Gee

THAT the minutes of the February 13, 2014 meeting of the South Frontenac Township Committee of Adjustment are hereby approved as amended.

Carried

Item #5: S-64-13-S, S-65-13-S (1059823 Ontario Ltd. – Matias)

Speaking to the Application: Tony Matias Jr.

Discussion

The subject lands consist of 78+/- acres fronting on Perth and Davidson Roads. The applications are for the creation of two urban commercial lots. The property was zoned previously to permit commercial development on the property, but the owner's plans have now changed and only these two lots are now proposed for commercial use. The applications were deferred at the December 12, 2013 meeting of the Committee so that further comments could be obtained from CRCA and the Township Public Works Manager. Following a subsequent site meeting, the Public Works Manager indicated that he would prefer the entrance to these lots to access Perth Road across from the access to Moreland-Dixon Road. The applicant's latest proposal shows an entrance further south at the boundary between the two commercial lots, and a traffic study was submitted to support that proposal. This location has now been approved by Public Works, and the CRCA has also submitted a positive report regarding the applications.

RESOLUTION: C of A: 14:02:03

Moved by: K. Gee

Seconded by: C. Naish

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-64-13-S by 1059823 Ontario Ltd., to create a commercial lot in concession 2, lot 18/19, Perth Road, District of Storrington, subject to conditions.

Carried

| | |
|--------------------------------|--|
| Application No: | S-64-13-S |
| Owner: | 1059823 Ontario Ltd. (Matias) |
| Location of Property: | Concession 2, Lot 18/19, Perth Road, District of Storrington, Township of South Frontenac |
| Purpose of Application: | Creation of commercial lot |
| Date of Hearing: | December 12, 2013 |
| Date of Decision: | March 6, 2014 |

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

- 1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.**
- 2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.**
- 3. The land to be severed by Consent Application S- 64-13-S shall be for a 1.75 ha commercial lot, with an approved entrance off of Perth Road.**
- 4. The lot to be severed through consent application S-64-13-S shall be subject to an easement over that lot's portion of the shared entrance (south half), in favour of the lot to be severed through consent application S-65-13-S, and shall be together with an easement over the northerly lot's portion of the shared entrance. These easements shall be identified as separate parts on the reference plan, to the satisfaction of the Township, and described in the deeds for each of the severed lots.**
- 5. 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.)**
- 6. 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.

7. The Township of South Frontenac shall receive 2% 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.
8. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road (Perth) 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 50 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 50 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.
9. 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.
10. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to amend the zoning to a Special Urban Commercial Zone.

RESOLUTION: C of A: 14:02:04

Moved by: C. Naish

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-65-13-S by 1059823 Ontario Ltd. to create a commercial lot in concession 2, lot 18/19, Perth Road, District of Storrington, subject to conditions.

Carried

| | |
|--------------------------------|--|
| Application No: | S-65-13-S |
| Owner: | 1059823 Ontario Ltd. (Matias) |
| Location of Property: | Concession 2, Lot 18/19, Perth Road, District of Storrington, Township of South Frontenac |
| Purpose of Application: | Creation of commercial lot |
| Date of Hearing: | December 12, 2013 |
| Date of Decision: | March 6, 2014 |

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

CONDITIONS

1. The applicant or his/her solicitor shall prepare and submit to The Corporation of The Township of South Frontenac a transfer or such other required form of document necessary to implement the consent, including Form 1 or 2, as prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustment for the municipality. This transfer or other legal document shall be provided to the municipality within a period of one year after notice of the decision was given under subsection 53 (17) or 53 (24) of the Planning Act.
2. An acceptable reference plan of the severed lands in duplicate, shall be submitted to the Township.
3. The land to be severed by Consent Application S-65-13-S shall be for a 5 ha commercial lot, with an approved entrance off of Perth Road.
4. The lot to be severed through consent application S-65-13-S shall be subject to an easement over that lot's portion of the shared entrance (north half), in favour of the lot to be severed through consent application S-64-13-S, and shall be together with an easement over the southerly lot's portion of the shared entrance. These easements shall be identified as separate parts on the reference plan, to the satisfaction of the Township, and described in the deeds for each of the severed lots.
5. 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.)
6. 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.
7. The Township of South Frontenac shall receive 2% 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.
8. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road (Perth) 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 50 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 50 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.

- 9. **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.**
- 10. **The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to amend the zoning to a Special Urban Commercial Zone.**

Item #6: S-05-14-P (Allan)

Speaking to the Application: Doug Allan

Discussion

The subject lands consist of 77+/- acres with frontage on Hinchinbrooke Road, Hambly Lake and Verona Lake. The proposal is to create a new non-waterfront lot approximately 7 acres in size fronting on Hinchinbrooke Road. The Roads Department is satisfied that there is a suitable entrance location. However, because of winter conditions, a report is not available from Public Health, and the application was therefore deferred.

RESOLUTION: C of A: 14:02:05

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-05-14-P by Doug Allan to create a residential lot in concession 10, lot 6/7, Hinchinbrooke Road, District of Portland, pending receipt of a report from Public Health.

Carried

Item #7: S-06-14-B (Snow)

Speaking to the Application: John O’Connor, agent

Discussion

A property on Maple Grove Lane, owned by Cathy Riley, has obtained its access since the property was developed over a waterfront lot owned by the applicant. This application is intended to legalize that access. Among the reasons why construction of a separate access would not be practical is that another neighbour’s sewage disposal system is located very close to any potential direct access onto the Riley property.

RESOLUTION: C of A: 14:02:06

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-06-14-B by Patricia Snow to create a right-of-way in concession 3, lot 24, Maple Grove Lane, Bob’s Lake, District of Bedford, subject to conditions.

Carried

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| Application No: | S-06-14-B |
| Owner: | Patricia Snow |
| Location of Property: | Con. 3, Pt. Lot 24, Maple Grove Lane, Bob’s Lake, District of Bedford, Township of South Frontenac |
| Purpose of Application: | Creation of easement |
| Date of Hearing: | March 6, 2014 |
| Date of Decision: | March 6, 2014 |

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

- 1. **An acceptable reference plan or legal description of the severed lands, and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
- 2. **Consent is being granted for a right-of-way only in favour of part 1, 13R-90. (431 Maple Grove Lane). This right-of-way shall be surveyed to a width of 5.65 m and**

upgraded as necessary to the Township’s minimum standards for existing private lanes.

- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item #8: MV-03-14-B (Snider)

Speaking to the Application: Roger Jones, agent

Discussion

This is a .68 acre waterfront lot, with frontage on Perth Road. The application is for a variance to permit construction of a 144 sq. ft. one-storey addition to an existing seasonal dwelling, to be located 55 ft. from the high water mark. Since reports are not available from Public Health or CRCA, the application was deferred.

RESOLUTION: C of A: 14:02:07

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-03-14-B by Dennis Snider, concession 13, lot 8, Devil Lake, District of Bedford, to permit addition to seasonal dwelling within 30m of high water mark, pending receipt of reports from KFL&A Public Health and the Cataraqui Region Conservation Authority.

Carried

Item #9: Other Business:

- a) Requirement for Wells – Committee members discussed the Township’s requirement for a well on any lot created through consent. There is nothing to indicate that this requirement applies only to lots of a specific size. While the Committee did not decide on a recommendation for a size over which a well would not be required, they did agree that there might be situations where a well would not be required but this would be determined on a case by case basis.
- b) Deferral of applications – the question was asked whether we should establish a date by which any deferred application would need to come back to the Committee without a requirement for a re-application. It was agreed that a reasonable time frame would be one calendar year from the date of deferral.

Item #10: Adjournment

RESOLUTION: C of A: 14:02:08

Moved by: L. Redden

Seconded by: W. Robinson

THAT the March 6, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:45 p.m. to reconvene at 7:00 p.m. on Thursday, April 10, 2014, or at the call of the Chair.

Carried

Ron Vandewal
Chair

Lindsay Mills
Secretary-Treasurer

