

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 11:11
DECEMBER 8, 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
Anne Levac – Assistant Secretary-Treasurer

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 11:11:01

Moved by: K. Gee

Seconded by: L. York

THAT the December 8, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Ron Vandewal in the Chair.

Carried

Item #2: Adoption of Agenda

Adopted as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Approval of Minutes

RESOLUTION: C of A: 11:11:02

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the November 10, 2011 meeting of the Committee, as circulated.

Carried

Item #5: S-38-11-P (Asselstine)

Speaking to the Application: Andrew and Kara Asselstine

Discussion

The subject lands consist of 4.35+/- acres fronting on Pine Ridge Drive, Road 38 and Kildeer Drive in the Settlement Area of Verona, and are developed with a single family dwelling and garage. The applicants are proposing to sever a 2.15 acre parcel with frontage on Pine Ridge and Kildeer, for the purpose of creating a residential lot. An application to create a commercial lot at this location came before the Committee at their October meeting, and a decision was deferred so that the applicant could obtain additional information regarding costs of the proposal. Since that meeting, the applicants have requested that the application be changed from commercial to residential. All neighbouring property owners and those who contacted staff and/or the Committee about the previous application, have been notified of the change.

Staff contacted Public Health and internal staff who commented on the original application, and there are no objections to the creation of a residential lot in this location.

RESOLUTION: C of A: 11:11:03

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-38-11-P by Kara and Andrew Asselstine, as amended, to create a residential lot in concession 11, lot 9, Settlement Area of Verona, District of Portland, subject to conditions.

Carried

Application No:	S-38-11-P
Owner:	Kara & Andrew Asselstine
Location of Property:	Concession XI, Lot 9, Pine Ridge Drive, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	Original appl. – October 13, 2011; amended appl. Dec. 8, 2011
Date of Decision:	December 8, 2011
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- 38-11-P shall be for a 2+ acre residential lot.**
- 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 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.
7. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public roads (Pine Ridge and Kildeer) 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.
8. 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 #6: S-51-11-P, S-52-11-P, S-53-11-P (Bradshaw)

Speaking to the Application: Sherri Bradshaw, Herb Benedikt

Discussion

The subject lands front on Yarker Road and are developed with a single family dwelling. The applicant is proposing to create three additional residential lots. Public Health has given its approval provided that the septic systems are located in specific areas on the lots, and the Roads Department has also specified the locations of entrances. The chief building official had noted that he had some misgivings about the availability of two acres of land outside the minimum distance separation from the barn across the road. The applications were deferred at the November Committee meeting to give the applicant an opportunity to provide confirmation that there is a two acre parcel outside the MDS on the lot to be created through application S-53-11-P, and if not, to redesign the other two lots. The Township has a section in the Comprehensive Zoning By-law which limits the number of animals permitted on land holdings of less than 25 acres. The owner of property across the road has expressed the opinion that the distance from the barn on his property should be greater than determined by the CBO. The applicant has obtained information from a surveyor which indicates that the MDS and entrance issues can be met.

Building envelopes were also identified on the proposed new lots. The Conservation Authority had expressed some concern about a building location on the lot to be created through S-53-11-P, but is now satisfied that an appropriate building envelope exists.

RESOLUTION: C of A: 11:11:04

Moved by: W. Robinson

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-51-11-P by Sherri Bradshaw, to create a residential lot in concession 2, lot 11/12, Yarker Road, District of Portland, subject to conditions.

Carried

Application No:	S-51-11-P
Owner:	Sherri Bradshaw
Location of Property:	Concession II, Lot 24, Yarker Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	November 10, 2011
Date of Decision:	December 8, 2011

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- 51-11-P shall be for a 2.39+/- acre lot with a minimum of 250 ft. frontage on Yarker Road.**
4. **The entrance to the lot shall be located on the east side of the lot, and shall be constructed to the satisfaction of the Roads Department prior to the stamping of the deeds.**
5. **The septic system on the lot shall be installed in the location specified by KFL&A Public Health.**
6. **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.)**
7. **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.**
8. **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.**
9. **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 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.
10. 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.

RESOLUTION: C of A: 11:11:05

Moved by: W. Robinson

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-52-11-P by Sherri Bradshaw, to create a residential lot in concession 2, lot 11/12, Yarker Road, subject to conditions.

Carried

Application No:	S-52-11-P
Owner:	Sherri Bradshaw
Location of Property:	Concession II, Lot 24, Yarker Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	November 10, 2011
Date of Decision:	December 8, 2011

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- 52-11-P shall be for a 2.27+/- acre lot with a minimum of 250 ft. frontage on Yarker Road.
4. The septic system on the lot shall be installed in the location specified by

KFL&A Public Health.

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 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.
8. 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 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.

RESOLUTION: C of A: 11:11:06

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-53-11-P by Sherri Bradshaw, to create a residential lot in concession 2, lot 11/12, Yarker Road, District of Portland, subject to conditions.

Carried

Application No:	S-53-11-P
Owner:	Sherri Bradshaw
Location of Property:	Concession II, Lot 24, Yarker Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	November 10, 2011
Date of Decision:	December 8, 2011

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- 53-11-P shall be for a 3.66+/- acre lot with a minimum of 250 ft. frontage on Yarker Road, and a minimum of 2 acres outside the minimum distance separation from the barn on the north side of the road (429 ft.)
4. The septic system on the lot shall be installed in the location specified by KFL&A Public Health.
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 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.
8. 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 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.**

Item 7: S-54-11-L, S-55-11-L, S-56-11-L (Beck)

Speaking to the Application: Gary Beach (agent), Rob Snetsinger (Ecological Services)

Discussion

The subject lands front on North Shore Road and Loughborough Lake. The applicant is proposing to sever three waterfront lots from the property, to be accessed by new private lane off of North Shore Road. There is a provincially significant wetland on the property and additional marsh areas. An Environmental Impact Assessment has been submitted to address issues related to the wetland, including the proximity of a portion of the laneway to the wetland. The official plan requires that no site alteration or development can occur within 120m of a PSW without confirmation through an environmental assessment that there will be no harmful effect on the wetland. The EIA provided by the applicant supports the development, and argues that, with mitigating measures, there will be no harmful effects on the wetland. The CRCA responded to the Environmental Assessment with the attached comments, and subsequent revisions were made to the Assessment. The Conservation Authority is generally supportive of the applications, dependent on the actual setback that can be achieved from the lane to the wetland. The setback would need to consider more than the built lane (which could not be too close to the property to the east). It would also need to take into account berming, ditching and drainage. Favourable reports have been received from Public Health. Additional comments of concern were received from the public, related to development on this part of the lake, and to the safety of the proposed entrance. A question had been raised at the previous Committee meeting about the depth of the water at this location on the lake. L. Mills noted that he had been on site and did not believe that this was a shallow water body in the area of the proposed severances. It was also confirmed with the Public Works Manager that the entrance onto the public road would meet acceptable safety requirements.

RESOLUTION: C of A: 11:11:07

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-54-11-L by Margaret Beck, to create a waterfront lot in concession 6/7, lot 23/24, Loughborough Lake, District of Loughborough, subject to conditions.

Carried

Application No:	S-54-11-L
Owner:	Margaret Beck
Location of Property:	Concession VI/VII, Lot 23/24, Loughborough Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of waterfront lot, together with a new right-of-way
Date of Hearing:	November 10, 2011
Date of Decision:	December 8, 2011
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- 54-11-L shall be for a 4+ acre lot with a minimum of 300 ft. frontage on Loughborough Lake and 250 ft. frontage on a new private lane.
4. The entrance to the new lane off of North Shore Road shall be at the east side of the property and shall be constructed prior to stamping of the deeds according to the Township's standards for new private lanes.
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 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.
8. 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 applicant's property on North Shore Road, measured from the centre line of the travelled 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.
9. The closest distance from the proposed 20m wide right-of-way at the easternmost portion of the property, to the wetland, shall be surveyed by an Ontario Land Surveyor, and this distance shall be approximately 60 metres, or a distance as noted in the Environmental Impact Assessment from Ecological Services, and this distance shall be satisfactory to the Township Planning Department and the Cataraqui Region Conservation Authority. The laneway shall be constructed according to standards established by the Township and, in the 100 m distance which runs closest to the wetland, according to specifications established by a professional engineer.
10. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to amend the zoning on the severed parcel from Rural to a Special Limited Service Residential – Waterfront Zone to recognize its residential use, access by a private lane, and the special setbacks noted in the EIS dated December, 2011 from Ecological Services and the requirements of the CRCA, including a 40 metre setback from the high water mark for any structures, and a 60-metre setback for the septic system.
11. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which includes the recommendations in the December, 2011 Environmental Impact Assessment prepared by Ecological Services, requires that a permit be obtained from the Cataraqui Region Conservation Authority for any shoreline or in-water works, and which recognizes that access to the new lots will be a private lane.

RESOLUTION: 11:11:08

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-55-11-L by Margaret Beck, to create a waterfront lot in concession 6/7, lot 23/24, Loughborough Lake, District of Loughborough, subject to conditions.

Carried

Application No:	S-55-11-L
Owner:	Margaret Beck
Location of Property:	Concession VI/VII, Lot 23/24, Loughborough Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of waterfront lot, together with a new right-of-way
Date of Hearing:	November 10, 2011
Date of Decision:	December 8, 2011

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- 55-11-L shall be for a 4+ acre lot with a minimum of 300 ft. frontage on Loughborough Lake and 250 ft. frontage on a new private lane.
4. The entrance to the new lane off of North Shore Road shall be at the east side of the property.
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 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.
8. 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 applicant's property on North Shore 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 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.

9. The closest distance from the proposed 20m wide right-of-way at the easternmost portion of the property, to the wetland, shall be surveyed by an Ontario Land Surveyor, and this distance shall be approximately 60 metres, or a distance as noted in the Environmental Impact Assessment from Ecological Services, and this distance shall be satisfactory to the Township Planning Department and the Cataraqui Region Conservation Authority. The laneway shall be constructed according to standards established by the Township and, in the 100 m distance which runs closest to the wetland, according to specifications established by a professional engineer.
10. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to amend the zoning on the severed parcel from Rural to a Special Limited Service Residential – Waterfront Zone to recognize its residential use, access by a private lane, and the special setbacks noted in the EIS dated December, 2011 from Ecological Services and the requirements of the CRCA, including a 40 metre setback from the high water mark for any structures, and a 60-metre setback for the septic system.
11. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which includes the recommendations in the December, 2011 Environmental Impact Assessment prepared by Ecological Services, requires that a permit be obtained from the Cataraqui Region Conservation Authority for any shoreline or in-water works, and which recognizes that access to the new lots will be a private lane.

RESOLUTION: C of A: 11:11:09

Moved by: L. York

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-56-11-L by Margret Beck, to create a waterfront lot in concession 6/7, lot 23/24, Loughborough Lake, District o Loughborough, subject to conditions.

Carried

Application No:	S-56-11-L
Owner:	Margaret Beck
Location of Property:	Concession VI/VII, Lot 23/24, Loughborough Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of waterfront lot, together with a new right-of-way
Date of Hearing:	November 10, 2011
Date of Decision:	December 8, 2011

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- 56-11-L shall be for a 4+ acre lot with a minimum of 300 ft. frontage on Loughborough Lake and 250 ft. frontage on a new private lane.
4. The entrance to the new lane off of North Shore Road shall be at the east side of the property.
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 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.
8. 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 applicant's property on North Shore 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 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.
9. The closest distance from the proposed 20m wide right-of-way at the easternmost portion of the property, to the wetland, shall be surveyed by an Ontario Land Surveyor, and this distance shall be approximately 60 metres, or a distance as noted in the Environmental Impact Assessment from Ecological Services, and this distance shall be satisfactory to the Township Planning Department and the Cataraqui Region Conservation Authority. The laneway shall be constructed according to standards established by the Township and, in the 100 m distance which runs closest to the wetland, according to specifications established by a professional engineer.
10. It shall be verified by OLS survey and to the satisfaction of

Township Planning and CRCA that a building envelope exists on the lot created by application S-56-11-L that meets all setbacks noted in the EIA dated December, 2011 from Ecological Services and all minimum setback requirements from water bodies specified in the Comprehensive Zoning By-law.

11. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to amend the zoning on the severed parcel from Rural to a Special Limited Service Residential – Waterfront Zone to recognize its residential use, access by a private lane, and the special setbacks noted in the EIS dated December, 2011 from Ecological Services and the requirements of the CRCA, including a 40 metre setback from the high water mark for any structures, and a 60-metre setback for the septic system.
12. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which includes the recommendations in the December, 2011 Environmental Impact Assessment prepared by Ecological Services, requires that a permit be obtained from the Cataraqui Region Conservation Authority for any shoreline or in-water works, and which recognizes that access to the new lots will be a private lane.

Item #8: S-57-11-B (McGowan)

Speaking to the Application: Joan McGowan

Discussion

The subject lands front on McGowan Lane and are vacant. The proposed lot additions would add small parcels to developed seasonal properties which are accessed by McGowan Lane and which front on Thirty Island Lake. This would enlarge two very small waterfront properties (.38 and .69 acres). The proposal also includes adding the retained portion to a third waterfront lot which is currently only .25 acres in size.

RESOLUTION: C of A: 11:11:10

Moved by: L. McCullough

Seconded by: M. Tinlin

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-57-11-B by Joan McGowan, to create lot additions in concession 3, lot 5, Thirty Island Lake, District of Bedford, subject to conditions.

Carried

Application No:	S-57-11-B
Owner:	Joan McGowan
Location of Property:	Concession III, Lot 5, Thirty Island Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of lot additions
Date of Hearing:	December 8, 2011
Date of Decision:	December 8, 2011

**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 3 or 4, 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- 57-11-B shall be for lot additions only to: a) parts 8-11 on Plan 13R-4717 and; b) part 14 on Plan 13R-4717 and part 4 on Plan 13R-17371, The retained parcel shall be added to part 15 on Plan 13R-4717. The deeds shall be presented together to the Township Office and shall be registered beginning with the more westerly lot addition.**
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 each lot addition pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
7. **The subject property shall be rezoned to RLSW to correspond to the zoning on the lots to be enlarged.**

Item #9: S-58-11-L (Struthers)

Speaking to the Application: Ronald Struthers

Discussion

The subject lands front on Murvale Road and are developed with a single family dwelling, which was proposed to be included in the severed parcel. Subsequent to the submission of the application, it became apparent that the subject property had already been the subject of the maximum number of severances permitted – i.e. 3 since September 5, 2000, although not all by this owner. Therefore, approval of a severance at this time would contravene the Official Plan. At planning staff's recommendation, reports were not received from the CBO or from Public Health.

Mr. Struthers noted that he had been led to believe, in 2004, that he could have additional severances. However, it appears that this information was based on a misunderstanding as to how many severances had occurred from the parcel "which existed on September 5, 2000".

Committee members felt that a partial rebate might be appropriate, and would be discussed under "Other Business".

RESOLUTION: C of A: 11:11:11

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby denies consent application S-58-11-L by Ronald Struthers, to create a residential lot with existing dwelling, in concession 3, lot 1, Murvale Road, District of Loughborough, because there have already been at least three Severances from the original parcel since September 5, 2000, and approval of an additional lot would contravene the Township's Official Plan.

Carried

Item #10: S-59-11-S (Freeman)

Discussion

The subject lands front on Battersea Road and are developed with two single family dwellings and accessory buildings. The properties on which the houses are located were at one time separate properties but merged through common ownership. The proposal is to separate the dwellings onto two parcels again, and to create a lot addition for another small residential lot.

RESOLUTION: C of A: 11:11:12

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-59-11-S by Walt Freeman, Will Freeman and Julie Hodgson, to create a residential lot with existing dwelling, and a lot addition, in concession 9, lot 8, Battersea Road, District of Storrington, subject to conditions.

Carried

Application No:	S-59-11-S
Owner:	Walt Freeman, Will Freeman, Julia Hodgson
Location of Property:	Concession IX, Lot 8, Battersea Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of lot addition, and residential lot with existing dwelling
Date of Hearing:	December 8, 2011
Date of Decision:	December 8, 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-59-11-S shall be for a .3 +/- acre lot addition to #4987 Battersea Road, and a 1+/- acre residential lot with existing dwelling at #4997 Battersea 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 lot (as though it were vacant land) in lieu of parkland, and \$100 for the lot addition, 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 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.
7. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to recognize that the size and frontage of the severed lot do not meet the minimum requirements set out in the zoning by-law.

Item #11: S-60-11-L (Stoness)

Discussion

The subject lands front on Wilmer Road and are developed with a dwelling and accessory buildings. The proposed lot addition would add 7.7+/- acres to a vacant residential lot which fronts on Wilmer Road.

RESOLUTION: C of A: 11:11:13

Moved by: L. McCullough

Seconded by K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-60-11-L by James Stoness to create a lot addition in concession 8, lot 16, Wilmer Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-60-11-L
Owner:	James Stoness
Location of Property:	Concession VIII, Lot 16, Wilmer Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	December 8, 2011
Date of Decision:	December 8, 2011

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 3 or 4, 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- 60-11-L shall be for a 7.8+/- acre lot addition only to part 1 on Plan 13R-9382.

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, pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #12: MV-24-11-B (Goodfellow)

Speaking to the Application: Jeff and Cindy Goodfellow

Discussion

The applicants' property consists of approximately .98 acres and is developed with a seasonal dwelling, 30 ft. from the high water mark. The applicant is proposing to demolish the existing dwelling and replace it with a new substantially larger dwelling to be located 50 ft. from the HWM. The setback from the rear lot line also needs to be varied from 32.8 ft. to 12 ft. This is a very narrow lot, so that it would be impossible to meet all setbacks. The Chief Building Official feels that the best site has been selected, and the Rideau Valley Conservation Authority has no objections provided that measures are put in place to ensure limited run-off into the lake, including buffer planting, and limiting shoreline access to a pedestrian pathway. They also recommend a different location for the well so that it would be less susceptible to contamination from run-off.

The application was deferred at the November meeting of the Committee because no report had been received from KFL&A Public Health. This report has now been received and supports the application.

RESOLUTION: C of A: 11:11:14

Moved by: M. Tinlin

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-24-11-B by Jeffrey Goodfellow, concession 3, lot 23, Bob's Lake, District of Bedford, to permit construction of a new seasonal dwelling within 30m of the high water mark, subject to conditions.

Carried

Application No:	MV-24-11-B
Owner:	Jeffrey Goodfellow
Location of Property:	Pt. Lot 23, Concession 3, Bob's Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit construction of a seasonal dwelling within 30m of the high water mark, and within 10m of the rear lot line.
Date of Hearing:	November 10, 2011
Date of Decision:	December 8, 2011

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. **The variance is limited to construction of an 864 sq. ft. single storey dwelling (maximum gross floor area 864 sq. ft.), to be located a minimum of 60 ft. from the high water mark, and 10 ft. from the rear lot line, a 324 sq. ft. uncovered deck to be located a minimum of 50 ft. from the high water mark, and a 196 sq. ft.**

covered porch to be located a minimum of 60 ft. from the high water mark.

2. **Minor variance MV-24-11-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 an agreement with the Township to be registered on title, which includes the municipality's environmental and limited service policies, and requires that a permit be obtained from the Rideau Valley Conservation Authority prior to any shoreline or in-water works, including construction or alteration of docks. In addition, the driveway will be permitted only as far as is necessary to access the new dwelling, and the remainder of the existing driveway must be re-vegetated, along with the shoreline; re-vegetation must occur 10m back from the shoreline except for a pedestrian access to the water and beach area; and the privy must be removed from the 30m setback area.**

Item #13: Other Business – Rebate

The Committee discussed the possibility of recommending a partial rebate for Ronald Struthers because, once it became apparent that the maximum number of severed lots had been created from this parcel since September 5, 2000, no further administrative costs were incurred.

RESOLUTION: C of A: 11:11:14A

Moved by: M. Tinlin

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby recommends to Township Council that Ron Struthers receive a partial rebate for a consent application that was determined, after submissions by the applicant, to be in contravention of the Township's Official Plan, with the rebate to be based on the application fee less administrative costs expended."

Carried

(NOTE: Council agreed to a \$400 rebate).

Item #14: C of A: 11:11:15

Moved by: M. Tinlin

Seconded by: L. McCullough

THAT the December 8, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:00 p.m. to reconvene at 7:00 p.m. on Thursday, February 9, 2012 or at the call of the Chair.

Carried

Ron Vandewal, Chair

Lindsay Mills, Secretary-Treasurer

