

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE  
MINUTES 13:06  
JULY 11, 2013**

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

**IN ATTENDANCE:** Ken Gee (Storrington District)  
Larry York (Storrington District)  
Ron Vandewal (Loughborough District)  
Len McCullough (Loughborough District)  
Larry Redden (Portland District)  
Bill Robinson (Portland District)  
David Hahn (Bedford District)  
Del Stowe (Bedford District – new member)

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

**RESOLUTIONS & BUSINESS:**

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**Item #1: Call to Order****RESOLUTION:** C of A: 13:06:01

Moved by: L. McCullough

Seconded by: L. York

**THAT the July 11, 2013 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: 13:06:02

Moved by: L. Redden

Seconded by: W. Robinson

**THAT the minutes of the June 13, 2013 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.**

Carried**Item #5: S-30-13-B (Edwards)**

Speaking to the Application: .....

Discussion

The subject lands are located on Devil Lake Road, and are developed with a dwelling, barn and accessory structures. The proposal is to create a 7+/- acre lot to include the buildings. Although this property is zoned Agriculture and designated Agriculture in the Official Plan, a severance can be permitted in those cases where a farmer is consolidating farm properties and where the dwelling on one of those properties is surplus to the needs of the farmer. The applicants own several parcels of farmland and live on the opposite side of Devil Lake Road. Therefore, they have no need for this dwelling. The retained parcel will require a rezoning to prohibit any residential development on that parcel.

**RESOLUTION: C of A: 13:65:03**

Moved by: W. Robinson

Seconded by: D. Stowe

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-30-13-B by Jamie and Maida Edwards to create a 7+/- acre residential lot with existing dwelling and accessory buildings in concession 13, lot 20, Devil Lake Road, District of Bedford, subject to conditions.**

Carried

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<b>Application No:</b>	S-30-13-B
<b>Owner:</b>	Jamie & Maida Edwards
<b>Location of Property:</b>	Concession 13, Lot 20, Devil Lake Road, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	Creation of residential lot with existing dwelling
<b>Date of Hearing:</b>	July 11, 2013
<b>Date of Decision:</b>	July 11, 2013

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

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CONDITIONS

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument 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-30-13-B shall be for a 7+/- acre lot with existing dwelling and accessory buildings.**
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) 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/or retained lands as the case may be in the following manner:**
  - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**

- b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner’s expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of “The Corporation of the Township of South Frontenac”, and shall include the following attached to the Transfer/Deed as a Schedule:

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.*

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner’s expense;
- e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

- 7. The applicant shall submit a report demonstrating potable water on the severed lot.
- 8. The applicant shall obtain an amendment to the South Frontenac Township Comprehensive Zoning By-law to specify that the retained parcel cannot be used for residential purposes.

**Item #6: S-31-13-S (Normand)**

Speaking to the Application: Clem Normand

Discussion

The subject lands consist of 14+ acres fronting on Dog Lake and Carrying Place Road. Tourist cabins and camp sites are located on the property. The applicants are proposing to sever a parcel containing 3 cabins, and to retain the remainder of the property which will also continue to be used for Recreational Resort Commercial uses. Staff feel that the shape of the proposed severed parcel is inappropriate and will need to be revised. Also, the CBO has noted that one of the septic fields is very close to the proposed new line, and that it is quite old. A report will be required from Public Health. Therefore, in order to clarify the lot lines, and to receive comments from Public Health, the application was deferred.

**RESOLUTION: C of A: 13:06:04**

Moved by: L. York

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-31-13-S by Clem & Clare Normand to create a Recreational Resort Commercial lot, in concession 9, lot 20/21, Dog Lake, District of Storrington, pending clarification of lot lines, and receipt of report from Public Health.**

Carried

**Item #7: MV-32-13-P (Smith)**

Speaking to the Application: R. Smith

Discussion:

The subject lands consist of 94+/- acres and have frontage on both Alton and Jamieson Roads and are vacant. The proposed lot would front on Alton Road.

**RESOLUTION: C of A: 13:06:05**

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-32-13-P by Don Smith to create a residential lot, in concession 6, lot 2, Alton Road, District of Portland, subject to conditions.**

Carried

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**Application No:** S-32-13-P  
**Owner:** Don Smith  
**Location of Property:** Concession 6, Lot 2, Alton Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Creation of 2.3+/- acre residential lot  
**Date of Hearing:** July 11, 2013  
**Date of Decision:** July 11, 2013

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

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**CONDITIONS**

1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument 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-32-13-P shall be for a 2.3+/- acre lot. 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.)
3. 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/or retained lands as the case may be 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.*
  - c) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - d) 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 brush and trees in the ditch along front of property shall be removed to the satisfaction of the Roads Department prior to the stamping of the deed.**

**Item #8: S-33-13-L (Gossage)**

Speaking to the Application: Andrew Lindsay

Discussion

The subject property consists of 4+ acres and is the location of Sydenham Landscaping. The proposal is for the addition of .2 acres to the residential lot at 4354 Lough-PtInd Bdry Road. This is a very small lot (less than 1/2 acre) and therefore any addition would be positive. The additional land will also serve to further buffer the residential use from the commercial use.

**RESOLUTION C of A: 13:06:06**

Moved by: L. McCullough

Seconded by: L. York

**THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-33-13-L by Michael Gossage to create a lot addition, in concession 5, lot 1, Loughborough-Portland Boundary Road, District of Loughborough, subject to conditions.**

Carried

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<b>Application No:</b>	S-33-13-L
<b>Owner:</b>	Mike Gossage
<b>Location of Property:</b>	Concession 5, Lot 1, Loughborough-Portland Boundary Road, District of Loughborough
<b>Purpose of Application:</b>	Creation of lot addition
<b>Date of Hearing:</b>	July 11, 2013
<b>Date of Decision:</b>	July 11, 2013
 <b>DECISION:</b>	 <b>PROVISIONAL CONSENT GRANTED, subject to conditions</b>

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CONDITIONS

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S-33-13-L shall be for a .2 acre lot addition only to 4354 Loughborough-Portland Boundary Road, and therefore, any subsequent conveyance of this parcel of land shall be subject to Section 50(3) of the Planning Act. The applicant's solicitor shall provide verification that the transferee's property and the lot addition cannot be sold or transferred independently of each other.**
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 #9: MV-15-13-L (Berry)**

Speaking to the Application: Fred Berry

Discussion

This application is for a variance to permit lot coverage of 10.9%, vs 10% which is permitted in the Residential Limited Service Zone. This is not a waterfront lot which would have a maximum

permitted lot coverage of 5%. There is a dwelling, deck and detached garage on the property. Although not all setbacks are currently met by the existing structure, the owners would be permitted to reconstruct the dwelling on the existing footprint at the existing size under the current zoning regulations. It is also permissible to enlarge an existing dwelling even if there are deficiencies in setbacks, provided that the enlargement does not encroach further into those permitted setbacks, and provided that the setback in question is not a setback from water. Therefore, the applicants' proposal to demolish the existing dwelling and to build a new slightly larger dwelling appears to comply with the zoning by-law except for the lot coverage. The new dwelling would exceed the permitted 10% lot coverage by 142 sq. ft. and that requires a variance.

**RESOLUTION: C of A: 13:06:07**

Moved by: L. McCullough

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-15-13-L by Fred & Ria Berry, to construct a new dwelling with 10.9 % (vs 10%) lot coverage, in concession 14, lot 24, District of Loughborough, subject to conditions.**

Carried

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<b>Application No:</b>	MV-15-13-L
<b>Owner:</b>	<b>Fred &amp; Ria Berry</b>
<b>Location of Property:</b>	Pt. Lot 24, Concession 14, District of Loughborough , Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 9.3.1 of the Comprehensive Zoning By-law to permit development in excess of 10% lot coverage
<b>Date of Hearing:</b>	July 11, 2013
<b>Date of Decision:</b>	July 11, 2013

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

### CONDITIONS

- 1. The variance is limited to the construction of a new dwelling, with a total footprint, including decks, of 1700 sq. ft., to be located no closer to the side and rear lot lines than the existing dwelling.**
- 2. Minor variance MV-15-13-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.**

### Item #10: MV-16-13-B (Hawley)

Speaking to the Application: Sarah Hawley

### Discussion

The subject property is approximately 1/3 acre in size, and is vacant except for a small shed. The applicant is proposing to construct a two-storey seasonal dwelling, to be located 73+ ft. from the high water mark of Bob's Lake. The proposal meets the 5% lot coverage. It was agreed by the Committee that there are some issues that should be resolved before a decision can be made on this application: there are concerns about the access to the property given that the applicant does not access the property over the deeded right-of-way; the building site itself is difficult to access; there is a large pond, and swamp area, close to the northern boundary of the lot and Public Health cannot issue a permit for a septic installation within 15m of a water body; construction of the dwelling would appear to require a variance from this water body as well as from the lake. A report had not yet been received from Rideau Valley Conservation. Therefore, in order to clarify these issues, the application was deferred.

**RESOLUTION: C of A: 13:06:08**

Moved by: W. Robinson

Seconded by: D. Stowe

**THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-16-13-B by Sarah Hawley, to construct a new dwelling in concession 3, lot 17, Bob's Lake, District of Bedford, pending receipt of agency reports.**

Carried**Item #11: MV-17-13-B (Dickson)**

Speaking to the Application: Lee &amp; Laura Dickson

Discussion

This application is for a variance to permit construction of a 280 sq. ft. sleeping cabin, to be located 60 ft. from the high water mark of Kingsford Lake. The agencies support the application although CRCA would like the cabin to be moved back 1m and repositioned in order to gain an additional 1.5m setback. The CRCA also measured the actual proposed setback at 14 m. In that case, the proposed site would be less than 50 ft. from the water, which means that the CRCA's recommendations for moving the structure would at least provide a 50+ ft. setback.

Bedford District Committee members brought up some issues related to this proposal. David Hahn expressed the opinion that the proposed cabin would be more environmentally disruptive to the site and would interfere somewhat with the neighbour's sight lines. He pointed out that it had been the applicant's original intention to construct a deck on to the cottage, but that various issues had prevented this from happening at the time the cottage was constructed. He further pointed out that lot coverage regulations were 10% when a previous variance was approved on the site rather than the current 5%. The applicant stated that he would like to have a wrap-around deck which would provide access to both doors.

It was agreed that the application would be deferred to provide the applicant with an opportunity to submit a revised proposal related specifically to the proposed deck.

**RESOLUTION: C of A: 13:06:09**

Moved by: D. Stowe

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-17-13-B by Lee & Laura Dickson, to construct an addition to an existing cabin within 30m of high water mark in concession 7, lot 6, Kingsford Lake, District of Bedford, pending submission and review of revised proposal.**

Carried**Item #12: MV-18-13-B (Amey)**

Speaking to the Application: Zach Amey

Discussion

The subject property is 1 acre in size and fronts on Deyos Road. It is developed with a single family dwelling and two sheds. The applicants are proposing to construct a large attached garage with a second storey, at the road side of the dwelling. This construction would result in the dwelling being 20 ft. (vs. 65.6 ft.) from the front lot line. There have been no objections from neighbours, and Public Health supports the application.

**RESOLUTION: C of A: 13:06:10**

Moved by: D. Stowe

Seconded by: W. Robinson

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-18-13-B by Zach & Alessandra Amey, to add an attached garage to an existing dwelling in concession 1, lot 1, Deyos Road, District of Bedford, within 20m of front lot line, subject to conditions.**

Carried

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<b>Application No:</b>	MV-18-13-B
<b>Owner:</b>	<b>Zach &amp; Alessandra Amey</b>
<b>Location of Property:</b>	Pt. Lot 1, Concession 1, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 6.3.1 of the Comprehensive Zoning By-law to permit development within 20m setback of front lot line coverage
<b>Date of Hearing:</b>	July 11, 2013
<b>Date of Decision:</b>	July 11, 2013
<b>DECISION:</b>	<b>VARIANCE APPROVED, subject to conditions</b>

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### CONDITIONS

1. **The variance is limited to the construction of a 900 sq. ft., two storey addition to an existing dwelling, and an 84 sq. ft. breezeway, to be located a minimum of 20 ft. from the front lot line.**
2. **Minor variance MV-18-13-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.**

**REASON FOR DECISION:** The variance has been approved by staff, the variance is considered to be in keeping with the intent of the official plan and zoning by-law, and is suitable for the development of the property.

#### Item #13: MV-19-13-L (Hulse)

Speaking to the Application: Jonathan Hulse

#### Discussion:

The subject property is a 1 acre lot on Otter Lake, and is developed with a 768 sq. ft. seasonal dwelling and a 256 sq. ft. deck/porch, located 40 ft. from the high water mark. The proposal is to remove the deck and porch, raise the dwelling 4 ft. to permit a crawl space, remove the front wall, replace the roof, and rebuild deck and porch at original dimensions. The applicants have also asked for an additional deck at the side, but this would be more development very close to the water. Reconstruction of the existing deck is permitted without a variance.

L. Mills and R. Vandewal both expressed the opinion that it would be preferable for the applicants to remove the dwelling from its existing location and move it further back on the lot. This would seem practical given that the intent is to raise it to create a crawl space underneath, and that it is intended that there be a new roof and a reconstructed front wall. However, given that there will be no increase in footprint, Committee members were prepared to support the application. It will be made clear in the conditions that no additional walls can be replaced.

**RESOLUTION: C of A: 13:06:11**

Moved by: L. McCullough

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-19-13-L by Jonathan & Marie Hulse, to raise an existing dwelling to add a 4 ft. crawl space, construct a new roof, and reconstruct an existing deck and porch, within 30m of high water mark of Otter Lake, concession 12, lot 10, District of Loughborough, subject to conditions.**

Carried



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<b>Application No:</b>	MV-19-13-L
<b>Owner:</b>	<b>Jonathan &amp; Marie Hulse</b>
<b>Location of Property:</b>	Pt. Lot 10, Concession 12, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
<b>Date of Hearing:</b>	July 11, 2013
<b>Date of Decision:</b>	July 11, 2013
<b>DECISION:</b>	<b>VARIANCE APPROVED, subject to conditions</b>

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**CONDITIONS**

1. **The variance is limited to the raising of the dwelling by 4 ft., removal and reconstruction of front wall (lake side), construction of new roof, and reconstruction of deck and porch on existing footprint.**
2. **No other structures shall be permitted within the 30m setback from the high water mark.**
3. **Minor variance MV-19-13-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
4. **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. No work shall proceed on the property prior to inspection of existing structures and footprint by a member of the South Frontenac Township Building Department.**
5. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's limited service and environmental policies, and which specifies that a permit will be required from the Cataraqui Region Conservation Authority for all development on the property, including construction of docks, and shoreline or in-water works.**

**REASON FOR DECISION:** The variance has been approved by staff, the variance is considered to be in keeping with the intent of the official plan and zoning by-law, and is suitable for the development of the property.

**Item #14: Adjournment**

**RESOLUTION: C of A: 13:06:12**

Moved by: L. York

Seconded by: K. Gee

**THAT the July 11, 2013 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:52 p.m. to reconvene at 7:00 p.m. on Thursday, August 8, 2013, or at the call of the Chair.**

Carried

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Ron Vandewal  
Chair

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Lindsay Mills

