

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 13:10
NOVEMBER 14, 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)

ABSENT WITH REGRETS: David Hahn (Bedford District)
Del Stowe (Bedford District)

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: 13:10:01

Moved by: W. Robinson

Seconded by: K. Gee

THAT the November 14, 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: 13:10:02

Moved by: K. Gee

Seconded by: W. Robinson

THAT the minutes of the October 10, 2013 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: S-46-13-L, S-47-13-L (Oak Roads Trust/Judy Harvie)

Speaking to the Application: Judy Harvie, Mike Keene (Foten Consultants)

Discussion

The subject lands belonging to Oak Roads Trust #1 consist of 30+/- acres, and are vacant. The proposal through application S-46-13-L is to add 9.6+/- acres from the Oak Road Trust property onto the Harvie waterfront property. Then, through application S-47-13-L, the proposal is to create a new waterfront lot. The new waterfront lot is large enough to permit the septic system to be located a minimum of 300 m from the water since this is a highly sensitive part of Loughborough Lake. The Ministry of Environment has approved the proposed sewage system location. When Public Health reviewed the application for the new lot, they determined that the septic system on Mrs. Harvie's existing waterfront property would be too close to the proposed new lot line. Therefore, the proposal was amended so that both her property and the new lot would have sufficient depth to be able to place a septic system (a system for the new lot and a relocated system for the Harvie lot) far from the lake. All reports are now satisfactory, and the lot addition and new lot were approved.

RESOLUTION: C of A: 13:10:03

Moved by: K. Gee

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-46-13-L by Oak Roads Trust No. 1, to create a lot addition in concession 1, lot 8, District of Loughborough, subject to conditions.

Carried

Application No:	S-46-13-L
Owner:	Oak Roads Trust #1
Location of Property:	Concession 1, Lot 8, Sumac Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of lot addition to 2818 Sumac Road
Date of Hearing:	October 10, 2013
Date of Decision:	November 14, 2013

DECISION: PROVIONAL CONSENT GRANTED, subject to conditionsCONDITIONS

- 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-46-13-L shall be for a 9.6 +/- acre lot addition to 13R-9992, part 2. 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. 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 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 applicant shall obtain an amendment to the Township Comprehensive Zoning**

By-law to amend the zoning on the lot addition from Rural to RLSW.

- 7. **The applicant shall enter into a development agreement with the Township to be registered on title to the severed parcel which sets out the municipality’s environmental and limited service policies, and requires that the Cataraqui Region Conservation Authority be contacted prior to any shoreline or in-water works, or installation of docks.**

RESOLUTION: C of A: 13:10:04

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-47-13-L by Judy Harvie to create a waterfront lot in concession 1, lot 8, District of Loughborough, subject to conditions.

Carried

Application No:	S-47-13-L
Owner:	Judy Harvie
Location of Property:	Concession 1, Lot 8, Sumac Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of new waterfront lot
Date of Hearing:	October 10, 2013
Date of Decision:	November 14, 2013

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-47-13-L shall be for a 5+/- acre with frontage on a private lane and on Loughborough Lake.**
- 3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel, in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
- 6. **The applicant shall obtain an amendment to the Township’s Comprehensive Zoning By-law to amend the zoning to RLSW.**
- 7. **The applicant shall enter into a development agreement with the Township to be registered on title to the severed parcel which sets out the municipality’s environmental and limited service policies, and requires that the Cataraqui Region Conservation Authority be contacted prior to any shoreline or in-water works, or installation of docks.**

Item #6: S-48-13-P (Verona Hardware)Discussion

The subject lands are approximately .7 acres in size, and are the site of Verona Hardware. Immediately to the south of Verona Hardware is Revell Motor Sales. A strip of land along the south side of Verona Hardware has been used for many years by clients/staff of Revells, and this application is for purposes of legitimizing that situation. The applications was deferred so that consideration could be given to dealing with the situation by means of a lot addition rather than an easement.

RESOLUTION: C of A: 13:10:05

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-48-13-P by Verona Hardware Ltd. to create a parking easement in Plan 55, lots 9/10, Settlement Area of Verona, District of Portland, subject to conditions.

Deferred

Item #7: S-49-13-S (Kirkpatrick)

Speaking to the Application: Frank Kirkpatrick

Discussion

The subject lands consist of 105+/- acres and have frontage on Wellington St., Milburn and Ormsbee Roads. The proposal is for the creation of a 3.67+/- acre residential lot with existing dwelling and accessory buildings. There have been no objections to the application. There is a barn on the retained parcel but the property is located partly within the Settlement Area of Battersea in which case the minimum distance separation does not need to be taken into account.

RESOLUTION: C of A: 13:10:06

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-49-13-S by Frank & Marylou Kirkpatrick to create a residential lot with existing dwelling and accessory buildings, in concession 9, lot 13, Wellington St., Battersea, District of Storrington, subject to conditions.

Carried

Application No:	S-49-13-S
Owner:	Frank & Marylou Kirkpatrick
Location of Property:	Concession 9, Lot 13, Wellington St., Battersea, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of residential lot, with existing dwelling
Date of Hearing:	November 14, 2013
Date of Decision:	November 14, 2013

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-49-13-S shall be for a 3.67+/- acre lot, with 250 ft. + frontage on Wellington St., and 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 parcel.

Item #8: S-50-13-L (Orser)

Speaking to the Application: Elwood Orser

Discussion

The subject lands consist of 81.7+/- acres and have frontage on Hogan Road, Benjamin Lane and Eel Bay of Sydenham Lake. The proposal is for the creation of a 3.72+/- acre residential lot with existing dwelling. The portion of Benjamin Lane which forms the western boundary of the severed lot will be surveyed as a separate parcel on the reference plan and will be part of the severed lot. The retained parcel will have a right-of-way over that part. There have been no objections to the application.

RESOLUTION: C of A: 13:10:07

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-50-13-L by Mona & Elwood Orser, to create a residential lot with existing dwelling, in concession 7, lot 10, District of Loughborough, subject to conditions.

Carried

Application No: S-50-13-L
Owner: Mona & Elwood Orser
Location of Property: Concession 7, Lot 10, Hogan Road/Benjamin Lane, District of Loughborough, Township of South Frontenac
Purpose of Application: Creation of residential lot, with existing dwelling
Date of Hearing: November 14, 2013
Date of Decision: November 14, 2013

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-50-13-L shall be for a 3.72+/- acre lot, with 250 ft. + frontage on Hogan Road, and with existing dwelling. That portion of Benjamin Lane which forms the western boundary of the severed parcel shall be surveyed as a separate parcel on the reference plan, and shall form part of the severed lot. The severed lot shall be subject to a right-of-way in favour of the retained parcel.
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.**

Item #9: S-51-13-L (Koen)

Speaking to the Application: Edward Koen

Discussion

The subject property consists of a parcel fronting on North Shore Road, in concession 7, lot 24, and a parcel fronting on Loughborough Lake, in concession 6, lot 24. The two parts are separated by an unopened road allowance. Emerald Lane currently runs through both parcels to provide access to a waterfront lot at the southwest corner of the property.

The applicants wish to transfer their lakefront property to a separate owner, in which case that parcel will need deeded access. This application, therefore, is for the purpose of providing deeded access over concession 7 to access property in concession 6. The lane will need to be upgraded to the Township's standards for existing private lanes.

RESOLUTION: C of A: 13:10:08

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-51-13-L by Edward & Louise Koen, to grant a right-of-way in concession 6, lot 24, District of Loughborough, subject to conditions.

Carried

Application No:	S-51-13-L
Owner:	Edward & Louise Koen
Location of Property:	Concession 6/7, Lot 24, North Shore Road, Emerald Lane, District of Loughborough, Township of South Frontenac
Purpose of Application:	Consent to grant right-of-way
Date of Hearing:	November 14, 2013
Date of Decision:	November 14, 2013

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 right-of-way to be created by Consent Application S-51-13-L shall provide access to the applicants' property in concession 6, lot 24, Loughborough Lake.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

- 6 The right-of-way granted through application S-51-13-L shall be upgraded to the Township's standards for existing private lanes.**

Item #10: S-52-13-P (Cousins)

Speaking to the Application: Terry Cousins

Discussion

The subject lands consist of 44+/- acres and have frontage on Snider Road and First Lake Road. The proposal is for the creation of a 6+/- acre residential lot with frontage on Snider Road. The Roads Department has commented that there is only one suitable location for an entrance, and that is at the top of a small hill. Public Health has indicated that the sewage system should be located where there is a minimum of 25 cm over rock and which is 15m away from the low lying wet land in the northeast corner of the lot. The question was asked as to whether or not the barn across the road would have an impact on the creation of this lot. L. Mills will check the site and report back at the next meeting.

RESOLUTION: C of A: 13:10:09

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-52-13-P by Terry & Christine Cousins, to create a residential lot in concession 14, lot 15, District of Portland, pending confirmation of any required MDS setback.

Carried

Item #11: S-53-13-S, S-54-13-S (Pilon)

Speaking to the Application: Mike Purdon, Brad Vanderhaar

Discussion

The subject lands consist of 101+ acres fronting on Washburn & Sunbury Roads. Applications S-53-13-S and S-54-13-S are for the creation of a 3.7 acre and a 2 acre residential lot. A third lot is being proposed to be severed from this property off of Sunbury Road. (See application S-55-13-S). The Roads Department has approved the sight lines for these two lots.

There is a large drain/watercourse running along the west side of S-53-13-S, with run-off under Washburn Road. L. Mills expressed the opinion that application S-53-13-S should be circulated to the Cataraqui Region Conservation Authority to determine if specific setbacks would be required from this water course. This might impact the lot lines, and also the proposal would leave much less than the permitted 250 ft. of public road frontage with the retained portion.

RESOLUTION: C of A: 13:10:10

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-53-13-S and S-54-13-S by Ben & Michelle Pilon, to create residential lots on Washburn Road, in concession 7, lot 16, District of Storrington, to permit further examination of the status of the drain/creek running through the property, and the road frontage on the retained parcel.

Carried

Item #12: S-55-13-S (Pilon)

Speaking to the Application: Mike Purdon, Brad Vanderhaar

Discussion

The subject lands consist of 101+ acres fronting on Washburn & Sunbury Roads. Applications S-53-13-S and S-54-13-S are for the creation of lots off of Washburn Road and are described separately. This third lot is proposed to be severed from the property off of Sunbury Road. The Roads Department has approved the sight lines for this and Public Health has no objection.

RESOLUTION: C of A: 13:10:11

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-55-13-S by Ben & Michelle Pilon, to create a residential lot on Sunbury Road, in concession 7, lot 16, District of Storrington, subject to conditions.

Carried

Application No: S-55-13-S
Owner: Ben & Michelle Pilon
Location of Property: Concession 7, Lot 16, Washburn Road, District of Storrington
 Township of South Frontenac
Purpose of Application: Creation of residential lot
Date of Hearing: November 14, 2013
Date of Decision: November 14, 2013

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-55-13-S shall be for a 2+ acre with 250 ft. + frontage on Sunbury Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel, in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 50 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 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 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 #13: S-56-13-P (Pepper)

Speaking to the Application: Robin Pepper

Discussion

The subject lands consist of 10+/- acres and have frontage on Craig Road and Howes Lake. The application is for the creation of additions to waterfront lots which are accessed by Creek Lane. This will enlarge waterfront lots which are significantly undersized. The affected property owners will have more options in terms of constructing accessory buildings or installing new septic systems. The owners of all the lots being enlarged will be required to enter into a development agreement which addresses limited service and environmental policies, as well as recognition of the permitted setbacks from the right-of-way.

The lot addition parcels will need to be rezoned to Limited Services – Residential Waterfront, to correspond to the zoning of the parcels being enlarged.

The lot additions are a “package deal” – the Committee would not want to create awkward gaps between lots.

RESOLUTION: C of A: 13:10:12

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-56-13-P by Robin Pepper, to create lot additions, in concession 14, lot 6, Creek Lane, District of Portland, subject to conditions.

Carried

Application No:	S-56-13-P
Owner:	Robin Pepper
Location of Property:	Concession 14, Lot 6, Creek Lane, Howes Lake, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of lot additions
Date of Hearing:	November 14, 2013
Date of Decision:	November 14, 2013

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. The land to be severed by Consent Application S-56-13-P shall be for: a10,000 +/- sq. ft. lot addition to 1034 Creek Lane (13R-7199, pts 1-4, 6); an 18,400 +/- sq. ft. lot addition to 1028 Creek Lane; a 12,000+/- sq. ft. lot addition to 1024 Creek Lane (13R-12787 pts. 1 & 2); a 6,000 +/- sq. ft. lot addition to 1022 Creek Lane; and a 9,500 +/- sq. ft. lot addition to 1020 Creek Lane.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland for each lot**

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

6. The applicant shall obtain an amendment to the Township's Comprehensive Zoning By-law to amend the zoning of the lot addition parcels to RLSW.
7. The deeds for lot additions identified as A, B, C & D on the application sketch must be registered simultaneously.

Item #14: S-57-13-L (Ilan)

Speaking to the Application: Brian Ilan

Discussion

The subject lands consist of 36+ acres fronting on Wilmer Road. The application is for the creation of a 2.4 acre residential lot. There have been no objections, but Roads has indicated that the entrance must be located at the south west end of the lot and all brush and trees must be cut between the road and the fence to the satisfaction of the Roads Department. In addition, Public Health has specified that the sewage system must be installed near the road in an area where there is a minimum of 10 inches (25 cm) of native cover.

RESOLUTION: C of A: 13:10:13

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-57-13-L by Brian & Debora Ilan, to create a residential lot, in concession 8, lot 16/17, Wilmer Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-57-13-L
Owner:	Brian & Debora Ilan
Location of Property:	Concession , Lot 16/17, Wilmer Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	November 14, 2013
Date of Decision:	November 14, 2013

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-57-13-L shall be for a 6+/- acre lot, with 250 ft. + frontage on Wilmer Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel, in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained

land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/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 well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.
 8. Brush and trees will be removed along the side of the road to the satisfaction of the Roads Department prior to the stamping of the deed.

Item #15: S-61-13-B (Byles, Robinson)

Speaking to the Application: Glen Byles, Gordon Robinson

Discussion

The subject property consists of 5.52+/- acres with frontage on Green Bay of Bob's Lake, and on a private lane. It is developed with a seasonal dwelling and a sleeping cabin. This is a highly sensitive part of Bob's Lake. A similar application came to the Committee in 2012 and was approved with several conditions. Because not all conditions were met prior to the final date for finalizing the consent, it was necessary for the applicants to re-apply. It is anticipated that the same conditions would apply as those included in the original application: re-vegetation of a roadway that was partially constructed within the 30m setback, , measures to ensure erosion control, limited lake access, etc It is believed that a building site can be found on the property, but not at the top of the bank as originally intended by the applicants. A surveyed building envelope would need to be approved prior to the deed being stamped.

Comments were made by Councillor Pat Barr and by Ian Delebois who expressed concerns about the application. L. Mills agreed that he would revisit the site with a representative of the Rideau Valley Conservation Authority. In the absence of Committee representation from Bedford District, it was decided that the application would be deferred.

RESOLUTION: C of A: 13:10:14

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers application S-61-13-B by Glen & Sharon Byles, and Gordon & Jane Robertson, to create a waterfront lot, in concession 7, lot 19, Bob's Lake, District of Bedford.

Carried

Item #16: MV-31-13-P (Hilton)

Speaking to the Application: Craig & Elizabeth Hilton

Discussion

This is an 18.6 acre property, developed with a dwelling and accessory buildings. The proposal is for the construction of a 46 ft. x 24 ft. single storey garage, closer to the front lot line than the principal building. There was a garage on the site several years ago, and a pad was constructed for a new garage, but the garage was never constructed. The proposed location is over 300 ft. from the road.

RESOLUTION: C of A: 13:10:15

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-31-13-P by Craig & Elizabeth Hilton, to construct an accessory building in front yard, in concession 7, lot 17, Petworth Road, District of Portland, subject to conditions.

Carried

Application No:	MV-31-13-P
Owner:	Craig & Elizabeth Hilton
Location of Property:	Pt. Lot 17, Concession 7, Petworth Road, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.24.2 of the Comprehensive Zoning By-law to permit an accessory building closer to front lot line than principal building
Date of Hearing:	November 14, 2013
Date of Decision:	November 14, 2013

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

- 1. The variance is limited to construction of a 46 ft. x 24 ft. single storey garage closer to the front lot line than the principal building (316 ft.)**
- 2. Minor variance MV-31-13-P 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 on the property without approval from the Township of South Frontenac.**

REASON FOR DECISION: The variance has been approved by staff, there have been no objections from the public, the variance is considered to be minor and in keeping with the intent of the official plan and zoning by-law, and is appropriate for the development of the property.

Item #17: Adjournment

RESOLUTION: C of A: 13:10:16

Moved by: W. Robinson

Seconded by: L. Redden

THAT the November 14, 2013 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:55 p.m. to reconvene at 7:00 p.m. on Thursday, December 12, 2013, or at the call of the Chair.

Carried

Ron Vandewal
Chair

Lindsay Mills

