



**COMMITTEE OF ADJUSTMENT**

**TUESDAY NOVEMBER 17, 2009**

**SOLDIERS MEMORIAL HALL, SHARBOT LAKE**

- 1) Call to order – 6:00 p.m. (Chair)**
- 2) Approval of Agenda**
- 3) Disclosure of pecuniary interest**
- 4) Minutes of previous meeting**
- 5) Unfinished/Old business and business arising from the minutes**
- 6) Applications for consent:**

**B-19-09-KE – Gary Lee Bartlett – Creation of a new lot**

**B-20-09-KE – Gary Lee Bartlett – Creation of a new lot**

**B-21-09-OL – Nick & Mary Kate Gazendam – Creation of a new lot**

**B-22-09-HI – Beverly & Cheryl Howes – Lot addition**

**B-23-09-KE - James W. Mitchell – Lot addition**

**B-24-09-KE - James W. Mitchell – Lot addition**

**B-25-09-HI - Allan & Linda Colgan – Creation of a new lot**

**B-26-09-HI - Tyson Hauch – Creation of a new lot**

**B-27-09-OL - Alan Riff – Creation of a new lot**

- 7) Applications for minor variance – nil**
- 8) Other planning business**
- 9) Adjournment**

Committee of Adjustment Minutes – November 17, 2009

Committee of Adjustment met on November 17, 2009 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Gary Smith, John Purdon, Janet Gutowski, Normand Guntensperger

Absent: Bill Snyder, Phillip Smith, Robert Harvey

Staff in attendance: Cathy MacMunn, Secretary Treasurer and Ian Trickett, Chief Building Official.

Public in attendance: Nick Gazendam, Alan Riff, Gary Bartlett, and Tom MacDonald who is the agent for Mr. Gazendam, Beverly Howes and Tyson Hauch.

The purpose of the meeting was to discuss 9 consent applications.

The meeting was called to order by the chair.

***Resolution #43***

***Moved by Jeff Matson      Seconded by Gary Smith  
That the agenda be adopted as presented.***

***Carried***

***No declarations of pecuniary interest were noted.***

***Resolution #44***

***Moved by Jeff Matson      Seconded by Gary Smith  
That the minutes of October 21, 2009 be adopted as presented.***

***Carried***

The first applications being heard were consent applications B-19 & 20-09-KE – Gary Lee Bartlett who is proposing to create two new lots on the Elm Tree Road which is a maintained township road.

Staff provided an overview of the application and mentioned that a report from the Quinte Conservation Authority had not been received prior to the meeting.

The committee approved both applications with conditions. Copy of the report is in the respective file.

***Resolution #45***

***Moved by Gary Smith      Seconded by Jeff Matson  
That Severance Application B-19-09-KE, Pt. Lot 13, Conc. 4, Gary Lee Bartlett  
be approved subject to the following conditions:***

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

**Resolution #46**

*Moved by Jeff Matson      Seconded by Gary Smith*

*That Severance Application B-20-09-KE, Pt. Lot 13, Conc. 4, Gary Lee Bartlett be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*

4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
7. *That the applicant (s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The next application was B-21-09-OL – Nick & Mary Kate Gazendam who are proposing to create a new lot on the Bell Line Road which is a maintained township road.

There was some discussion regarding the setback from the high water for a septic system. The Official Plan and Zoning By-law state a setback of 30 metres for a structure and septic system. Mr. Gazendam mentioned that the setback for a septic system from White Lake is in fact 200 feet and is included as a covenant on title.

The committee approved the application with conditions. Copy of the report is in the respective file.

***Resolution #47***

*Moved by Gary Smith*

*Seconded by Jeff Matson*

*That Severance Application B-21-09-OL, Pt. Lot 18 & 19, Conc. 7, Nick & Mary Kate Gazendam be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*

4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will:*
  - a) *Maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
  - b) *In view of the information that the proposed lot is located within a deer wintering yard the applicant is to provide for the conservation of the natural vegetation cover in its natural state as a means to provide forage for the deer.*
  - c) *Undertake to implement the recommendations from the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;*
    - *A minimum of 30 metre setback from the seasonal high water mark of White Lake shall be maintained for future structures and a septic system.*
    - *With the exception of a maximum 9 metre wide water access point, the shoreline vegetation shall be retained to a minimum depth of 30 metres, as per the Township of Central Frontenac's Official Plan.*
    - *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.*
    - *Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the lake.)*
7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

Next application was B-22-09-HI Beverly Howes. This is being created as a lot addition which will be added to an existing undersized waterfront lot. The lot addition will increase the depth of the existing undersized lot which provides a net environmental gain. The committee approved the application with conditions. Copy of the report is in the respective file.

*Resolution #48*

*Moved by Jeff Matson*

*Seconded by Gary Smith*

*That Severance Application B-22-09-HI, Lot 28, Conc. 2, Beverly & Cheryl Howes be approved subject to the following conditions:*

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
- 5. That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:  
If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.  
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale bear notice of this condition.*
- 6. In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.  
In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:  
In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50 (4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*6 continued:*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

- 7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

Next two applications are being created as lot additions to two separate parcels. The first one B-23-09-KE, James Mitchell is being added to an existing lot which will provide the lot with road frontage. The committee approved the application with conditions. Copy of the report is in the respective file.

**Resolution #49**

*Moved by Jeff Matson*

*Seconded by Gary Smith*

*That Severance Application B-23-09-KE, Lot 12, Conc. 9, James W. Mitchell be approved subject to the following conditions:*

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
- 5. That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*

*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale bear notice of this condition.*

6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50 (4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The second application B-24-09-KE, James Mitchell is being added to an existing lot. The purpose of the lot addition is to give the existing lot frontage on an existing right of way known as CP Lane to permit access. The committee approved the application with conditions. Copy of the report is in the respective file.

**Resolution #50**

*Moved by Jeff Matson*

*Seconded by Gary Smith*

*That Severance Application B-24-09-KE, Lot 12, Conc. 9, James W. Mitchell be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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 51 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*

5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*

*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*

6. *In accordance with Section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

*In case of a whole or bloc in a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50 (4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The next application was B-25-09-HI – Allan & Linda Colgan who are proposing to create a new lot on the Echo Lake Road which is a maintained township road. The proposed lot exceeds the required road frontage and lot size for a lot within the rural zone.

The committee approved the application with conditions. Copy of the report is in the respective file.

**Resolution #51**

*Moved by Gary Smith*

*Seconded by Jeff Matson*

*That Severance Application B-25-09-HI, Pt. Lot 15 & 16, Conc. 7 & 8, Allan & Linda Colgan be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality’s satisfaction.*

*Carried*

The next application was B-26-09-HI – Tyson Hauch who is proposing to create a new lot on Road 38 which is a maintained township road. The proposed lot exceeds the required road frontage and lot size for a lot within the rural zone.

The committee approved the application with conditions. Copy of the report is in the respective file.

**Resolution #52**

*Moved by Jeff Matson                      Seconded by Gary Smith*

*That Severance Application B-26-09-HI, Pt. Lot 23, Conc. 3, Tyson Hauch be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*

3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
7. *That the right of way be surveyed at 20 metres and shown on the reference plan.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

**Resolution #53**

*Moved by Jeff Matson                      Seconded by Gary Smith*

*That Severance Application B-27-09-OL, Pt. Lot 16, Conc. 11, Alan Riff be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will:*
  - a) *Maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
  - b) *Undertake to implement the recommendations from the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;*
    - *A minimum of 30 metre setback from the seasonal high water mark of the unclassified wetland and the tributary of Sharbot Lake shall be maintained for future structures and a septic system.*

6 b) continued:

- *With the exception of a maximum 9 metre wide water access point, the shoreline vegetation shall be retained to a minimum depth of 30 metres, as per the Township of Central Frontenac's Official Plan.*
  - *Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.*
  - *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.*
  - *Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the lake.)*
7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

***Resolution #54***

*Moved by Jeff Matson Seconded by Gary Smith*

*That this meeting be adjourned until 6:00 p.m. December 16, 2009 at the Soldiers Memorial Hall, Sharbot Lake.*

The meeting adjourned at approximately 6:45 p.m.

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Chairperson

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Secretary-Treasurer

*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT**  
**Resolutions for November 17, 2009**  
**(Sharbot Lake)**

*Resolution # 43*

Moved by Jeff Madson Seconded by GARY SMITH

*THAT the agenda be adopted as*

Presented ✓

Amended \_\_\_\_\_

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Tom Smith

Township of Central Frontenac, Committee of Adjustment November 17, 2009

**Resolution # 44**

Moved by Jeff Matson Seconded by GARY SMITH

**THAT the minutes of October 21, 2009 be adopted as**

Presented ✓

Amended \_\_\_\_\_

Carried \_\_\_\_\_

Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson Jason Smith

Township of Central Frontenac, Committee of Adjustment November 17, 2009

Resolution # 45

Moved by GARY SMITH Seconded by Jeff Malson

**That Severance Application B-19-09-KE, Pt. Lot 13, Conc. 4, Gary Lee Bartlett be approved subject to the following conditions:**

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Tran Smith

Township of Central Frontenac, Committee of Adjustment November 17, 2009

Resolution # 46

Moved by Jeff Mackay Seconded by GARY SMITH

**That Severance Application B-20-09-KE, Pt. Lot 13, Conc. 4, Gary Lee Bartlett be approved subject to the following conditions:**

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson \_\_\_\_\_

Tom Buel

Township of Central Frontenac, Committee of Adjustment November 17, 2009

Resolution # 47

Moved by GARY SMITH Seconded by Jeff Mator

That Severance Application B-21-09-~~KE~~, Pt. Lot 18 & 19, Conc. 7, Nick & Mary Kate Gazendam be approved subject to the following conditions:

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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.*
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6. *That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will:*
  - a) *Maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
  - b) *In view of the information that the proposed lot is located within a deer wintering yard the applicant is to provide for the conservation of the natural vegetation cover in its natural state as a means to provide forage for the deer.*
  - c) *Undertake to implement the recommendations from the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;*
    - *A minimum of 30 metre setback from the seasonal high water mark of White Lake shall be maintained for future structures and a septic system.*

- *With the exception of a maximum 9 metre wide water access point, the shoreline vegetation shall be retained to a minimum depth of 30 metres, as per the Township of Central Frontenac's Official Plan.*
- *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.*
- *Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the lake.)*

7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*

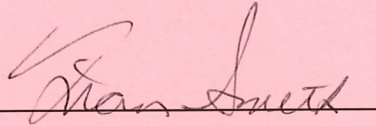
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried* \_\_\_\_\_

*Deferred* \_\_\_\_\_

*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment November 17, 2009

Resolution # 48

Moved by Jeff Matsoe Seconded by GARY SMITH

*That Severance Application B-22-09-HI, Lot 28, Conc.2, Beverly & Cheryl Howes be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*

5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*

*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*

6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

- 7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_

*Fran Smith*

Resolution # 49

Moved by Jeff Metcalf Seconded by GARY SMITH

*That Severance Application B-23-09-KE, Lot 12, Conc.9, James W. Mitchell be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:  
If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.  
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

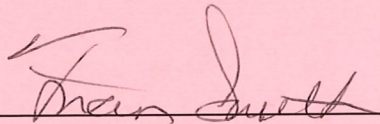
*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

- 7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment November 17, 2009

Resolution # 50

Moved by Jeff Madson Seconded by GARY SMITH

*That Severance Application B-24-09-KE, Lot 12, Conc.9, James W. Mitchell be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*

5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*

*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*

6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

- 7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_

*Juan Smith*

Township of Central Frontenac, Committee of Adjustment November 17, 2009

**Resolution # 51**

Moved by GARY SMITH Seconded by Jeff Malson

**That Severance Application B-25-09-HI, Pt. Lot 15 & 16, Conc.7 & 8, Allan & Linda Colgan be approved subject to the following conditions:**

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Frank Smith

Township of Central Frontenac, Committee of Adjustment November 17, 2009

Resolution # 52

Moved by ~~Self~~ Seconded by GARY SMITH

*That Severance Application B-26-09-HI, Pt. Lot 23, Conc. 3, Tyson Hauch be approved subject to the following conditions:*

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
- 5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
- 6. That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
- 7. That the right of way be surveyed at 20 metres and shown on the reference plan.*
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson *Travis Smith*

Township of Central Frontenac, Committee of Adjustment November 17, 2009

Resolution # 53

Moved by GARY SMITH Seconded by Jeff Madson

***That Severance Application B-27-09-OL, Pt. Lot 16, Conc.11, Alan Riff be approved subject to the following conditions:***

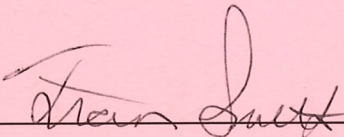
- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the lands shall be submitted to the Secretary-Treasurer for review and consent endorsement, within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.***
- 2. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.***
- 5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***
- 6. That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will:***
  - a) Maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.***
  - b) Undertake to implement the recommendations from the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;***
    - A minimum of 30 metre setback from the seasonal high water mark of the unclassified wetland and the tributary of Sharbot Lake shall be maintained for future structures and a septic system.***

- *With the exception of a maximum 9 metre wide water access point, the shoreline vegetation shall be retained to a minimum depth of 30 metres, as per the Township of Central Frontenac's Official Plan.*
- *Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.*
- *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.*
- *Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the lake.)*

7. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*

8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried \_\_\_\_\_  
 Deferred \_\_\_\_\_  
 Refused \_\_\_\_\_

Chairperson \_\_\_\_\_ 

Township of Central Frontenac, Committee of Adjustment November 17, 2009

**Resolution # 54**

Moved by *Jeff Melser* Seconded by *GARY SMITH*

***That this meeting be adjourned until 6:00 p.m. December 16, 2009 at the Soldiers Memorial Hall, Sharbot Lake***

Carried \_\_\_\_\_

Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson *Kean Smith*



**TOWNSHIP OF CENTRAL FRONTENAC  
COMMITTEE OF ADJUSTMENT AGENDA  
WEDNESDAY OCTOBER 21, 2009**

**6:00 P.M.**

**OSO HALL, SHARBOT LAKE**

**Adoption of the Agenda**

**Minutes from July 22<sup>nd</sup> and August 20, 2009**

**SEVERANCE**

**B-16-09-OL – Mike, Pat, Paul MacDonald – Creation of a new lot  
(this property is off of Brock Road)**

**B-17-09-OL – Mike, Pat, Paul MacDonald – Lot addition  
(this property is off of Brock Road)**

**B-18-09-OL – Paul, Pat, Elaine MacDonald – Lot addition  
(this property is off of Loudens Lane)**

Committee of Adjustment Minutes – October 21, 2009

Committee of Adjustment met on October 21, 2009 at 6:00 p.m. at the Oso Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Robert Harvey, Phillip Smith, Janet Gutowski  
John Purdon, Normand Guntensperger

Absent: Bill Snyder, Gary Smith

Staff in attendance: Cathy MacMunn, Secretary Treasurer and Ian Trickett, Chief Building Official.

Public in attendance: Mike & Elaine MacDonald, Pat MacDonald, Paul MacDonald and Tom MacDonald who is the agent for Mike, Pat, Paul MacDonald

The purpose of the meeting was to discuss 3 consent applications.

The meeting was called to order by the chair.

The following item was included on the Agenda:  
Minor Variance – Jamie LeVon

***Resolution #37***

***Moved by Jeff Matson Seconded by Robert Harvey  
That the agenda be adopted as amended***

***Carried***

***Resolution #38***

***Moved by Robert Harvey Seconded by Jeff Matson  
That the minutes of July 22<sup>nd</sup>, August 20<sup>th</sup> and September 16, 2009 be adopted  
as presented.***

***Carried***

The first application being heard was consent application B-16-09-OL – Mike, Pat, Paul MacDonald who are proposing to create a new lot and to extend an existing right of way so that the severed parcel has access and frontage. The chair asked if there was any additional information regarding this application. Staff provided an overview of the application.

Mr. Cavanagh, owner of the property to which the right of way is over wanted it noted that he or his company Cavanagh Construction will not be responsible for the maintenance and or construction of the right of way. The MacDonald's are fully aware of this and have met with Philip White of Cavanagh Construction. Further, Mr. Cavanagh mentioned that a gate will be installed on their property at the beginning of the road to restrict access to their pit.

The committee approved the application with conditions. Copy of the report is in the respective file.

*Resolution #39*

*Moved by Jeff Matson Seconded by Robert Harvey*

*That Severance Application B-16-09-OL, Lots 11 & 12, Conc. 1, Mike, Pat, and Paul MacDonald be approved subject to the following conditions:*

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*

*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*
7. *That the applicant apply for an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Holding Zone respectively.*

8. *The proposed right of way extension be surveyed at 20-metres and that it be shown on the reference plan.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The next application was B-17-09-OL – Mike, Pat, and Paul MacDonald. This application was discussed at the same time as application B-16-09-OL as it dealt with the same property. The only difference between the two applications is that this parcel is being created as a lot addition to be added to an existing lot owned by Mike and Elaine MacDonald. The applicants are proposing to subdivide their family holdings into separate parcels which will be conveyed and retained as separately deeded lots for each family member.

The committee approved the application with conditions. Copy of the report is in the respective file.

***Resolution #40***

***Moved by Jeff Matson Seconded by Robert Harvey***

***That Severance Application B-17-09-OL, Lots 11 & 12, Conc. 1, Mike, Pat, and Paul MacDonald be approved subject to the following conditions:***

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*

*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*

6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

7. *That this application is subject to the approval of the concurrent consent application as it relates to the Official Plan and Zoning By-law amendments.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The next application was B-18-09-OL – Paul, Pat, and Elaine MacDonald, who are proposing to create this lot as a lot addition to an existing lot which is owned in part by the applicants. This lot is like the previous applications in that the applicants are subdividing their family holdings into separate parcels which will be conveyed and retained as separately deeded lots for each family member. There were no issues expressed by the staff and therefore the committee approved the application with conditions. Copy of the report is in the respective file.

#### ***Resolution #41***

***Moved by Robert Harvey Seconded by Jeff Matson***

***That Severance Application B-18-09-OL, Lot 11, Conc. 2, Paul, Pat, Elaine MacDonald be approved subject to the following conditions:***

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*

4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:  
If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.  
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.  
In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:  
In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or  
In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*
7. *That this application is subject to the approval of the concurrent consent application as it relates to the Official Plan and Zoning By-law amendments.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

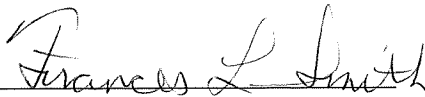
*Carried*

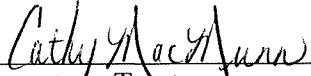
Cathy MacMunn, Secretary Treasurer informed the committee that Mr. LeVon has appealed the committee' decision regarding his application for minor variance.

**Resolution #42**

*Moved by Jeff Matson Seconded by Robert Harvey  
That this meeting be adjourned until 6:00 p.m. November 17, 2009 at the Oso  
Soldiers Memorial Hall, Sharbot Lake.*

The meeting adjourned at approximately 6:45 p.m.

  
Chairperson

  
Secretary-Treasurer

*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT**  
**Resolutions for October 21, 2009**  
**(Sharbot Lake)**

*Resolution # 37*

Moved by *Jeff Mait* Seconded by *Robert C. Horsey*

*THAT the agenda be adopted as*

*Presented* \_\_\_\_\_

*Amended* *✓*

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* *Thomas Smith*

Township of Central Frontenac, Committee of Adjustment October 21, 2009

**Resolution # 38**

Moved by Robert H. Nowak Seconded by Jeff Meade

**THAT the minutes of July 22<sup>nd</sup>, August 20<sup>th</sup>, and September 16, 2009 be adopted as**

Presented ✓

Amended \_\_\_\_\_

Carried \_\_\_\_\_

Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson Alan Smith

Township of Central Frontenac, Committee of Adjustment October 21, 2009

**Resolution # 39**

Moved by  Seconded by 

**That Severance Application B-16-09-OL, Lots 11 & 12, Conc. 1, Mike, Pat, Paul MacDonald be approved subject to the following conditions:**

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*

*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *That the development agreement which the applicant entered into with the municipality in 2004 be modified to include the distance of the private road to be constructed across the applicant's land to provide access to the lot to be severed and the lot to be retained. The distance to be added is approximately 450 metres. A turning Radius is also to be constructed and included on the survey.*
7. *That the applicant apply for an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Holding zone respectively.*

8. *The proposed right of way extension be surveyed at 20-metres and that it be shown on the reference plan.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_  
*Frank Smith*

Resolution # 40

Moved by [Signature] Seconded by Robert G. Harvey

**That Severance Application B-17-09-OL, Lots 11 & 12, Conc. 1, Mike, Pat, Paul MacDonald be approved subject to the following conditions:**

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*  
*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*  
*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*  
*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

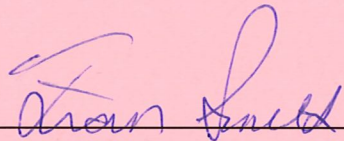
*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

- 7. That this application is subject to the approval of the concurrent consent application as it relates to the Official Plan and Zoning By-law amendments.*
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment October 21, 2009

**Resolution # 41**

Moved by Robert Howey Seconded by Jeff Mac

**That Severance Application B-18-09-OL, Lot 11, Conc. 2, Paul, Pat, Elaine MacDonald be approved subject to the following conditions:**

1. *That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*  
*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*  
*That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *In accordance with section 50 (12) of the Planning Act, the deed to be stamped shall state that subsection 50 (3) or subsection 50 (5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50 (3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:*

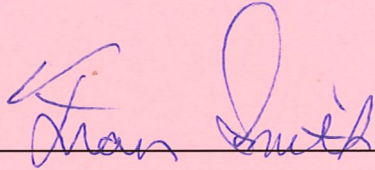
*In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a by-law under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or*

*In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*

- 7. That this application is subject to the approval of the concurrent consent application as it relates to the Official Plan and Zoning By-law amendments.*
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment October 21, 2009

Resolution # 42

Moved by [Signature] Seconded by Robert C. Harvey

That this meeting be adjourned until 6:00 p.m. November ~~17~~, 2009 at the Oso Soldiers Memorial Hall, Sharbot Lake

Carried \_\_\_\_\_

Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson [Signature]



**TOWNSHIP OF CENTRAL FRONTENAC  
COMMITTEE OF ADJUSTMENT AGENDA  
WEDNESDAY SEPTEMBER 16, 2009  
6:00 P.M.  
OSO HALL, SHARBOT LAKE**

**Adoption of the Agenda**

**SEVERANCE**

**B-12-09-OI – Mathew O’Brien – Creation of a new lot**

**B-13-09-OS – Anne Howes - Creation of a new lot**

**B-14-09-OL – Alan Riff – Creation of a new lot**

**B-15-09-OS – John Jarvis – Creation of a new lot**

**MINOR VARIANCE**

**A-4-09-KE – Robert Heighling – Reduction of setback from the high water mark**

**A-5-09-OS – David Milne/Sharon Rodd – Reduction of setback from the high water mark and relief from the zoning by-law regarding dock size.**

**A-6-09-KE – Jamie LeVon – Reduction of setback from the high water mark**

Next mtg – October 21/22 or 28th?

Non Profit Housing – appeal has been ~~logd~~ lodged

Molly King severance – planning issue

Committee of Adjustment Minutes – September 16, 2009

Committee of Adjustment met on September 16, 2009 at 6:00 p.m. at the Oso Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Robert Harvey, Gary Smith, Phillip Smith, Janet Gutowski

Absent: John Purdon, Normand Guntensperger, Bill Snyder

Staff in attendance: Cathy MacMunn, Secretary Treasurer and Ian Trickett, Chief Building Official.

Public in attendance: John & Ada Jarvis, Tom MacDonald agent for Anne Howes, Terry & Judy Kennedy, Grace Wilby, Alan Riff. John & Fran Schneider came in approximately 10 minutes after the meeting started.

The purpose of the meeting was to discuss 4 consent applications and 3 minor variance applications.

The meeting was called to order by the chair.

The following items were included on the Agenda:

Next meeting date

Consent for the Non-Profit Housing Corporation

Consent for Molly King

***Resolution #27***

***Moved by Jeff Matson Seconded by Robert Harvey  
That the agenda be adopted as amended***

***Carried***

The first application being heard was consent application B-12-09-OL – Mathew O'Brien who is proposing to create a new lot. The chair asked if there was any additional information regarding this application. Staff provided an overview of the application including comments from the Public Works Manager for the proposed entrance and MVCA's comments and conditions to be included in the decision as they were not available at the time the report was prepared.

The committee approved the application with conditions. Copy of the report is in the respective file.

***Resolution #28***

***Moved by Robert Harvey Seconded by Jeff Matson  
That Severance Application B-12-09-OL, Pt. Lt. 10, Conc. 6, Mathew O'Brien  
be approved subject to the following conditions:***

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*
  - If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.*
  - That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler; and that the recommendation of the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;*
  - a) *Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.*
  - b) *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetlands, tributary, or onto adjacent properties.*
  - c) *Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the wetlands).*
7. *That the applicant(s) must ensure that the Public Works Manager approves the entrance to the subject property.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The next application was B-13-09-OS – Anne Howes, who is proposing to create a new lot. Tom MacDonald, agent was present for the discussion. The chair asked if there was any additional information regarding this application. Staff provided an overview of the application including comments from the Public Works Manager for the proposed entrance and MVCA's comments and conditions to be included in the decision as they were not available at the time the report was prepared.

The committee approved the application with conditions. Copy of the report is in the respective file.

**Resolution #29**

*Moved by Jeff Matson Seconded by Robert Harvey*

*That Severance Application B-13-09-OS, Pt. Lt. 9 & 10, Conc. 1, Anne Howes be approved subject to the following conditions:*

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
- 5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
- 6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler; and that the recommendation of the Mississippi Valley Conservation Authority be reflected in the development agreement, specifically;
  - a) Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.*
  - b) Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, tributary, or onto adjacent properties.*
  - c) Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the wetlands).**
- 7. That the applicant(s) must ensure that the Public Works Manager approves the entrance to the subject property.*
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The next application was B-14-09-OL – Alan Riff/Jenny Riff, who are proposing to create a new lot. Mr. Riff was present for the discussion. The chair asked if there was any additional information regarding this application. Staff provided an overview of the application including comments from the Public Works Manager for the proposed entrance and MVCA's comments and conditions to be included in the decision as they were not available at the time the report was prepared.

The committee approved the application with conditions. Copy of the report is in the respective file.

***Resolution #30***

***Moved by Jeff Matson Seconded by Robert Harvey***

***That Severance Application B-14-09-OL, Pt. Lt. 16, Conc. 11, Alan Riff/Jenny Riff be approved subject to the following conditions:***

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.***
- 5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***
- 6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.***
- 7. That the applicant(s) must ensure that the Public Works Manager approves the entrance to the subject property.***
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

***Carried***

The next application was B-15-09-OS – John Jarvis, who are proposing to create a new lot. Mr. & Mrs. Jarvis were present for the discussion. The chair asked if there was any additional information regarding this application. Staff provided an overview of the application and explained that this lot already has a dwelling located on it and the applicants would like to sever this parcel from the remainder of their lands for their son.

The committee approved the application with conditions. Copy of the report is in the respective file.

**Resolution #31**

***Moved by Robert Harvey Seconded by Jeff Matson***

***That Severance Application B-15-09-OS, Pt. Lt. 4, Conc.2, John Jarvis be approved subject to the following conditions:***

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.***
- 5. That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:***

***If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.***

***That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.***

***That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

***Carried***

The next application was minor variance application A-4-09 – Robert Heighling, who is requesting relief from the front yard setback with shoreline frontage from 30 metres to 26 metres. The staff provided the committee with an overview of this application and explained that the dwelling has already been built on this lot. It was further stated that the applicant had measured incorrectly – not at right angle to the shoreline causing the building to be located closer to the high water mark than the required 30 metres.

The committee discussed this application and expressed some concerns as the applicant received a building permit and did not check the setbacks and is now coming to ask for forgiveness. It was noted that if the applicant would have called for the inspection it would have been caught at that stage before the building was erected. It was mentioned that by approving this it may set precedent and the chair mentioned that not necessarily as each application is based on its own merit and circumstances.

The application was approved with conditions. A copy of the report is in the respective file.

**Resolution #32**

***Moved by Robert Harvey Seconded by Gary Smith***

***In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.***

THAT Minor Variance Application A-4/09, Pt. Lot 18 & 19, Concession 8 – Robert Heighling requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 26 metres is approved subject to the following conditions and reasons:

- 1. Natural drainage patterns on the site shall not be substantially altered and that additional run-off is to be redirected away from the lake. In order to achieve this, eaves troughing shall be installed and outletted away from the lake to a leach pit or well-vegetated area to maximize infiltration.***

**FOR THE FOLLOWING REASONS:**

- 1) The variance is minor because the impacts will not further negatively affect the environment as the proposed dwelling will not encroach any further into the 30 metre setback than it presently exists.***
- 2) General intent is to maintain a reasonable setback given the existing dwelling is already located on the lot which is within the 30 metre setback.***
- 3) It maintains the intent of the Official Plan by sustaining the ribbon of life concept as the vegetation at the shoreline has not been disturbed.***
- 4) Development will be in keeping with the character of the area in terms of scale, conservation of natural features, providing for adequate sewage disposal and being compatible with adjacent land uses.***

***Carried***

The next application was minor variance application A-5-09 – David Milne and Sharon Rodd who are requesting relief from the front yard setback with shoreline frontage from 30 metres to 8 metres. They are also requesting relief from section 5.6.3 (i) of the Township's Zoning By-law 2002-120 for a dock from 192 sq feet to 340 sq feet.

The staff provided the committee with an overview of this application and explained that the variance for the dwelling will need to be deferred to allow the KFL&A Public Health to receive further information from the applicants and for Mississippi Valley Conservation Authority to review this application in more detail as they have concerns since the building is already too close to the water. They would like to discuss this further with their colleagues further.

Staff outlined the dock portion of the variance as stated in the report and suggested that they would support a dock size of 250 sq.ft instead of 340 sq ft. The full report is in the respective file.

The application was approved with conditions.

***Resolution #33***

***Moved by Jeff Matson Seconded by Gary Smith***

***In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.***

*THAT Minor Variance Application A-5/09, Pt. Lot 8, Concession 2 – David Milne & Sharon Robb requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 8 metres be deferred to allow the KFL&A Public Health to receive further information and Mississippi Valley Conservation Authority to review this application in more detail.*

***Resolution #34***

***Moved by Jeff Matson Seconded by Gary Smith***

***In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.***

THAT Minor Variance Application A-5/09, Pt. Lot 8, Concession 2 – David Milne & Sharon Robb requesting relief from Section 5.6.3 (i) of the Township's Zoning By-law 2002-120 for a dock size of 250 square feet be approved based on the following reasons:

- 1) The proposed dock meets the general intent of the Official Plan (Section 3.7.7) as it is removable, constructed of non-toxic building materials,***
- 2) The proposed dock meets the general intent of the zoning by-law (Section 5.6.3 i) as it is cantilevered, does not have a negative impact on fish habitat, is constructed of non-toxic building materials and is a permitted accessory structure to a shoreline residential dwelling,***
- 3) The variance of 13% may be considered minor as the additional size will not interfere with navigation or fish habitat and is in reasonable proportion to the shoreline property the dock will serve.***

**4) *The proposed use is appropriate for development as a structure which is common to shoreline residential development.***

The next application was minor variance application A-6-09 – Jamie LeVon who is requesting relief from the front yard setback with shoreline frontage from 30 metres to 15 metres to allow for an addition to an existing cabin.

The staff provided an overview of the application. It was noted that during the site visit the existing cabin is 7 metres from the high water mark and not 15 metres as stated on the application. The proposed addition is only 10 metres from the wetland area behind the cabin and it is 15 metres from the wetland to the rock ridge.

Comments from the Quinte Conservation Authority were reviewed and they are not in support of this application as it does not meet the Quinte Conservation policy of no development within 15 metres of the 1:100 year floodplain and therefore object to the application.

Comments from adjacent landowners who are within the required 60 metres were also received.

Township Planning Consultant Glenn Tunnock provided comments on this application as it relates to the Official Plan and Zoning By-law and that it does not meet the four tests that are to be considered.

The committee denied this application with reasons.

***Resolution #35***

***Moved by Robert Harvey Seconded by Gary Smith***

***In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.***

THAT Minor Variance Application A-5/09, Pt. Lot 8, Concession 2 – Jamie LeVon requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 15 metres be denied for the following reasons:

- 1) While the use is a permitted use within the Waterfront District Designation, the proposed expansion does not conform to the shoreline management policies of the Official Plan since an assessment on fish habitat has not been carried out; it is unknown whether the building and or the lands are flood prone; the expansion of the building would reduce the vegetation cover required within the first 30 m of the shoreline setback; and information as to the water and sewage disposal services is not available. The intent of the shoreline management policies of the Official Plan is to prescribe setbacks for development which will enable the shoreline to be retained in its natural state and consequently to preserve its ecological function. Further development***

- 2) *within close proximity to the shoreline would not be in keeping with the policies of the Plan.*
- 3) *The use conforms to the list of permitted uses in the Waterfront Residential (RW) Zone. However, the proposed application fails to conform with the general intent of the zoning by-law since the by-law requires since the proposed extension further reduces the interior side and front yard setbacks contrary to section 5.23 (e); unreasonably reduces the required setback from a water body of 30 m to 7 m contrary to section 4.20 (f); and unreasonably reduces the required setback within the Waterfront Residential Zone (comparable to Section 4.20 (f)) also 30 m.*
- 4) *The variance is not considered minor since the reduction is in excess of 76% of the prescribed standard. Further, the impact would be to create a visual anomaly to the shoreline profile of the area since the expanded structure would be highly visible from the waterside, contrary to the intent of the by-law.*
- 5) *The proposed expansion is not in keeping with the character of existing development in the area given the prevalence of greater setbacks. Development is not appropriate where the potential for negative impacts on water quality is increased with reduced setbacks.*

*Carried*

The secretary treasurer informed the committee that an appeal has been lodged on the North Frontenac Non Profit Housing consent application.

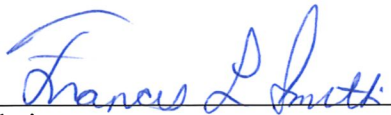
Ian Trickett, Chief Building Official informed the committee that the Molly King consent application was sold and the parcel of land at the water is a natural severance and was sold with the lot as water access.

***Resolution #36***

***Moved by Gary Smith Seconded by Jeff Matson***

***That this meeting be adjourned until 6:00 p.m. October 21<sup>st</sup>, 2009 at the Oso Soldiers Memorial Hall, Sharbot Lake and that November 18<sup>th</sup> and December 16<sup>th</sup> be scheduled for future meetings at 6:00 p.m. also same location.***

The meeting adjourned at approximately 7:15 p.m.

  
Chairperson

  
Secretary-Treasurer

*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT**  
**Resolutions for September 16, 2009**  
**(Sharbot Lake)**

*Resolution #1*

Moved by Jeff Matsen Seconded by Robert L. Howery

**THAT the agenda be adopted as**

Presented \_\_\_\_\_

Amended ✓

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Frank Smith

Township of Central Frontenac, Committee of Adjustment September 16, 2009

**Resolution #**

Moved by *Robert J. Fitzmaurice* Seconded by *Jeff Matson*

***That Severance Application B-12-09-OL, Pt. Lt. 10, Conc. 6, Mathew O'Brien be approved subject to the following conditions:***

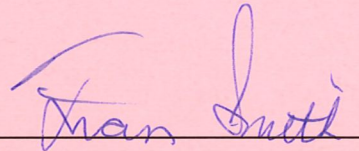
1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the lands shall be submitted to the Secretary-Treasurer for review and consent endorsement, within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:  
If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.  
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler; and that the recommendation of the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;

6 continued:

- a) **Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.**
  - b) **Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetlands, tributary, or onto adjacent properties.**
  - c) **Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the wetlands).**
7. **That the applicant(s) must ensure that the Public Works Manager approves the entrance to the subject property.**
8. **That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.**

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment September 16, 2009

**Resolution #**

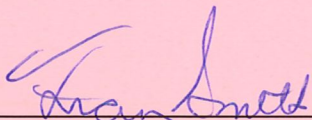
Moved by Jeff Matson Seconded by Bob L. Howey

***That Severance Application B-13-09-OS, Pt. Lt. 9 & 10, Conc. 1, Anne Howes be approved subject to the following conditions:***

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler; and that the recommendation of the Mississippi Valley Conservation Authority be reflected in the development agreement, specifically;
  - a) Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.
  - b) Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, tributary, or onto adjacent properties.
  - c) Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the wetlands).

7. That the applicant(s) must ensure that the Public Works Manager approves the entrance to the subject property.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* \_\_\_\_\_ 

**Resolution #**

Moved by Jeff Matsen Seconded by Robert J. Harvey

***That Severance Application B-14-09-OL, Pt. Lt. 16, Conc. 11, Alan Riff/Jenny Riff be approved subject to the following conditions:***

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.
7. That the applicant(s) must ensure that the Public Works Manager approves the entrance to the subject property.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Tran Bui

Township of Central Frontenac, Committee of Adjustment September 16, 2009.

**Resolution #**

Moved by *Robert P. Howes* Seconded by *Jeff Madson*

***That Severance Application B-15-09-OS, Pt. Lt. 4, Conc.2, John Jarvis be approved subject to the following conditions:***

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:

If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.

6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson *Dean Smith*

Resolution # \_\_\_\_\_

Moved by Robert A. Harvey Seconded by GARY SMITH

*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*

THAT Minor Variance Application A-4/09, Pt. Lot 18 & 19, Concession 8 – Robert Heighling requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 26 metres is approved subject to the following conditions and reasons:

1. Natural drainage patterns on the site shall not be substantially altered and that additional run-off is to be redirected away from the lake. In order to achieve this, eaves troughing shall be installed and outletted away from the lake to a leach pit or well-vegetated area to maximize infiltration.

**FOR THE FOLLOWING REASONS:**

- 1) The variance is minor because the impacts will not further negatively affect the environment as the proposed dwelling will not encroach any further into the 30 metre setback than it presently exists.
- 2) General intent is to maintain a reasonable setback given the existing dwelling is already located on the lot which is within the 30 metre setback.
- 3) It maintains the intent of the Official Plan by sustaining the ribbon of life concept as the vegetation at the shoreline has not been disturbed.
- 4) Development will be in keeping with the character of the area in terms of scale, conservation of natural features, providing for adequate sewage disposal and being compatible with adjacent land uses.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Frank Smith

Resolution # \_\_\_\_\_

Moved by *Seffurde* Seconded by *GARY SMITH*

*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*

THAT Minor Variance Application A-5/09, Pt. Lot 8, Concession 2 – David Milne & Sharon Robb requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 8 metres be deferred to allow the KFL&A Public Health to receive further information and Mississippi Valley Conservation Authority to review this application in more detail.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson *Tom Smith*

Resolution # \_\_\_\_\_

Moved by Jeff Madson Seconded by GARY SMITH

*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*

THAT Minor Variance Application A-5/09, Pt. Lot 8, Concession 2 – David Milne & Sharon Robb requesting relief from Section 5.6.3 (i) of the Township's Zoning By-law 2002-120 for a dock size of 250 square feet be approved based on the following reasons:

- 1) The proposed dock meets the general intent of the Official Plan (Section 3.7.7) as it is removable, constructed of non-toxic building materials,
- 2) The proposed dock meets the general intent of the zoning by-law (Section 5.6.3 i) as it is cantilevered, does not have a negative impact on fish habitat, is constructed of non-toxic building materials and is a permitted accessory structure to a shoreline residential dwelling,
- 3) The variance of 13% may be considered minor as the additional size will not interfere with navigation, or fish habitat and is in reasonable proportion to the shoreline property the dock will serve.
- 4) The proposed use is appropriate for development as a structure which is common to shoreline residential development.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Tran Duct

Resolution # \_\_\_\_\_

Moved by

*Bob H. Dorney*

Seconded by

*GARY SMITH*

*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*

THAT Minor Variance Application A-<sup>19</sup>~~6~~/09, Pt. Lot <sup>6</sup>~~8~~, Concession ~~2~~ – Jamie LeVon requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 15 metres be denied for the following reasons:

- 1) While the use is a permitted use within the Waterfront District Designation, the proposed expansion does not conform to the shoreline management policies of the Official Plan since an assessment on fish habitat has not been carried out; it is unknown whether the building and or the lands are flood prone; the expansion of the building would reduce the vegetation cover required within the first 30 m of the shoreline setback; and information as to the water and sewage disposal services is not available. The intent of the shoreline management policies of the Official Plan is to prescribe setbacks for development which will enable the shoreline to be retained in its natural state and consequently to preserve its ecological function. Further development within close proximity to the shoreline would not be in keeping with the policies of the Plan.
- 2) The use conforms to the list of permitted uses in the Waterfront Residential (RW) Zone. However, the proposed application fails to conform with the general intent of the zoning by-law since the by-law requires since the proposed extension further reduces the interior side and front yard setbacks contrary to section 5.23 (e); unreasonably reduces the required setback from a water body of 30 m to 7 m contrary to section 4.20 (f); and unreasonably reduces the required setback within the Waterfront Residential Zone (comparable to Section 4.20 (f)) also 30 m.
- 3) The variance is not considered minor since the reduction is in excess of 76% of the prescribed standard. Further, the impact would be to create a visual anomaly to the shoreline profile of the area since the expanded structure would be highly visible from the waterside, contrary to the intent of the by-law.
- 4) The proposed expansion is not in keeping with the character of existing development in the area given the prevalence of greater setbacks. Development is not appropriate where the potential for negative impacts on water quality is increased with reduced setbacks.

*Carried* \_\_\_\_\_  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson*           *Tom Smith*

Township of Central Frontenac, Committee of Adjustment September 16, 2009

Resolution # \_\_\_\_\_

Moved by GARY SMITH Seconded by Jeff Niaba

That this meeting be adjourned until 6 p.m. Oct 21<sup>st</sup> 2009 at the Oso Soldiers Memorial Hall, Sharbot Lake

And that Nov 18<sup>th</sup> & Dec 16 be scheduled for future meetings. 6pm also same location

Carried \_\_\_\_\_

Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson Alan Smith



**TOWNSHIP OF CENTRAL FRONTENAC  
COMMITTEE OF ADJUSTMENT AGENDA**

**THURSDAY AUGUST 20, 2009**

**6:30 P.M.**

**DISTRICT 3 – FIRE HALL, SHARBOT LAKE**

**Adoption of the Agenda**

**SEVERANCE**

**B-09-09-OS – North Frontenac Non-Profit Housing Corp. – Creation of a new lot**

**B-11-09-os – Kennedy - Creation of a parking area**

## COMMITTEE OF ADJUSTMENT MINUTES

Committee of Adjustment met on August 20, 2009 at 6:30 p.m. at the District 3 Fire Hall in Sharbot Lake.

Present: Frances Smith, Normand Guntensperger, Janet Gutowski and Gary Smith

Absent: William Snyder, John Purdon, Jeff Matson, Robert Harvey, Phillip Smith

Staff in attendance: Cathy MacMunn, Secretary Treasurer

Public in attendance: Donna Longmire, Rick Greenstreet, Tim Hagel, Jane Drew, Shelley Sepa, T. Roy Sepa, Lyle Byrnes

The purpose of the meeting was to discuss 2 consent applications.

The meeting was called to order by the chair.

### ***Resolution #23***

***Moved by Normand Guntensperger Seconded by Gary Smith  
That the agenda be adopted as presented.***

***Carried***

The first application being heard is consent application B-09-09-OS - North Frontenac Non Profit Housing Corporation which was previously deferred. The applicants revised the sketch as recommended by Mr. Tunnock and now both the retained and severed parcels have 14.35 metres of frontage on the Clement Road. An official plan amendment and zoning by-law amendment have been filed with the municipality and the public meeting took place on July 28, 2009.

The access onto Clement Road was discussed by the committee. Given the physical limitations on the lot separate driveways are not feasible for each of the severed and retained lots. A shared (access) driveway is reasonable provided the access is designed and posted with signage to provide vehicle access, particularly for emergency vehicles.

The chair asked Jane Drew representing North Frontenac Non-Profit Housing to speak on the shared driveway. Mrs. Drew mentioned that they are required to have a shared agreement as per the Ministry guidelines. She also explained that a new corporation will be the owner of the severed lot with one board running both corporations. This is also a requirement of the funding which is being provided by the Ministry of Municipal Affairs and Housing.

Normand Guntensperger, committee member would like to see a deeded access, right of way be a condition of approval. The chair explained that condition #8 addresses this issue and further that the agreement will be a legal document. It was agreed by the committee to add recorded by legal document at the end of condition #8.

Question: Mr. Sepa - would like to see the 30 metre setback as recommended by the Mississippi Valley Conservation Authority as it is not presently on the drawing.

The chair stated that it will be on the site plan drawing.

Question: Mr. Greenstreet asked will the 30 metre setback be observed by the Mississippi Valley Conservation Authority.

Gary Smith, committee member asked about the change in wording under Condition #6 (d).

The secretary treasurer mentioned that Mr. Tunnock provided the wording in the planning report regarding the Endangered Species Act and since then the Ministry of Natural Resources has provided recommended wording to be used and it is now incorporated in the resolution.

Gary Smith – have we received this in writing?

Secretary Treasurer stated yes in an email.

Question: Donna Longmire – What if this development affects local wells down the road?

The chair stated that would be a civil suit.

Question: Lyle Byrnes concerned with the road issues

Chair mentioned that council has been informed by the public works department that road work is scheduled for the Clement Road next year.

The committee approved the application with conditions. Copy of the staff reports is included in the respective file.

#### ***Resolution #24***

***Moved by Janet Gutowski    Seconded by Gary Smith***

***That Severance Application B-09-09-HI, Pt. Lt. 8, Conc. 1, North Frontenac Non-Profit Housing Corporation be approved subject to the following conditions:***

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will:*
  - a. *Construct the sewage disposal system in compliance with BMEC # 04-10-302 and the requirements of the Building Code Act and maintain the sewage disposal system on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.*
  - b. *Construct a water well in compliance with Ont. Regulation 903, as amended and also in compliance with the requirements of the Ministry of the Environment and the KFL & A for the provision of a potable water supply and that the provisions for the installation of the well and water treatment be set out in the development agreement to the satisfaction of the approval authorities.*
  - c. *Undertake to implement the recommendations from the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;*
    - *A minimum 30-metre setback from the actual seasonal high water mark of the unclassified wetland and unnamed watercourse shall be maintained for future structures;*
    - *Vegetation surrounding the wetland and watercourse shall be maintained to a minimum depth of 30metres and that a 'no-touch' area be established and illustrated on the site plan drawing which shall be left in its natural state;*
    - *Natural drainage patterns on the site shall not be substantially altered such that additional run- off is directed into the wetland, watercourse or onto adjacent properties; and*
    - *implementation of a storm water management plan using 'best management practices'. The plan shall be subject to review by the Conservation Authority and implemented to the satisfaction of the municipality;*
  - d. *Species listed as endangered or threatened on the Species at Risk in Ontario List are protected under the Endangered Species Act, 2007 (ESA). Should any species at risk or their habitat be observed on-site and potentially impacted by on-site activities, Ministry of Natural Resources (MNR) should be contacted immediately and operations should be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNR. Melissa Laplante, Species at Risk Biologist in Peterborough District can be contacted at [Melissa.laplante@ontario.ca](mailto:Melissa.laplante@ontario.ca) or 705-755-3104 for further information on the ESA and species at risk.*
  - e. *Provide for an entrance at the Clement Road constructed to the satisfaction of the Public Works Manager.*
  - f. *Construct an access road built to a standard acceptable to the Public Works Manager and the Fire Chief. The access road or driveway shall be designed to also meet the requirements for fire access as required by the Building Code Act and shall be posted with Fire Access Route signs to the satisfaction of the Municipality.*

- g. Provide the required number of parking spaces set out in the zoning by-law in a location and constructed to a standard satisfactory to the municipality.*
  - h. Provide site plan drawings illustrating the layout of the property and all of the servicing and development requirements set out above, to the satisfaction of the Municipality.*
- 7. That the lands be subject to an official plan amendment to address the proposed multiple residential development.*
  - 8. That the lands for the retained and severed lots be rezoned to reflect the existing and proposed multiple residential land uses and to address the zone standards for frontage and access as required and recorded by legal document.*
  - 9. That if an archaeological resource is discovered during the construction of the development, construction will cease immediately and the Ministry of Culture be contacted.*
  - 10. All costs associated with the above official plan and zoning by-law amendments are the responsibility of the applicant.*
  - 11. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

*Carried*

The next application being heard was B-11-09-OS, Lawrence Kennedy who was not present for the hearing.

The chair asked the staff to lead them through the report. The proposed application is for a parking area off Brash Lane and is adjacent to the road allowance between the former District of Oso and District of Bedford in South Frontenac Township. The owner is creating this parking area for a parcel of land known as Bear Point in Mill Bay. This application was first brought to the committee in 2006 at which time objections were received from the adjacent land owners. Also, there were questions raised regarding the ownership of Bear Point. Mr. Kennedy was to answer these questions and to date they have not been answered.

The secretary treasurer mentioned that before we proceed with this application we require the description of the benefitting lands as well as the deeds for those parcels establishing their right of way from the township road to this parking area.

Mr. Carl Peterson adjacent land owner informed the committee that Mr. Kennedy owns the land the road is on but that his right of way ends at Oso District.

No further questions were raised. The committee deferred this application. Copy of the staff report is included in the respective file.

*Resolution #25*

*Moved by Gary Smith      Seconded by Janet Gutowski*

*That Severance Application B-11-09-OS, Pt. Lt. 1 & ½ of Lot 2, Conc. 7, Lawrence & Jessie Kennedy be deferred until the description of the benefitting lands are provided as well as deeds for those parcels establishing their right of ways from the Township Road to this parking area.*

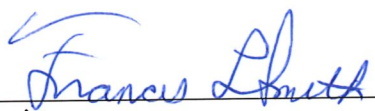
*Carried*

*Resolution #26*

*Moved by Gary Smith      Seconded by Janet Gutowski*

*That this meeting be adjourned until 6:00 p.m. September 16, 2009 at the Oso Soldiers Memorial Hall, Sharbot Lake.*

*Carried*

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Secretary-Treasurer

Township of Central Frontenac, Committee of Adjustment August 20, 2009

**Resolution # 24**

Moved by [Signature] Seconded by GARY SMITH.

***That Severance Application B-09-09-05 Pt. Lt. 8, Conc. 1, North Frontenac Non-Profit Housing Corporation be approved subject to the following conditions:***

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will:
  - a. Construct the sewage disposal system in compliance with BMEC # 04-10-302 and the requirements of the Building Code Act and maintain the sewage disposal system on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.
  - b. Construct a water well in compliance with Ont. Regulation 903, as amended and also in compliance with the requirements of the Ministry of the Environment and the KFL & A for the provision of a potable water supply and that the provisions for the installation of the well and water treatment be set out in the development agreement to the satisfaction of the approval authorities.

**6 continued:**

- c. Undertake to implement the recommendations from the Mississippi Valley Conservation Authority be reflected in the development agreement specifically;**

  - A minimum 30-metre setback from the actual seasonal high water mark of the unclassified wetland and unnamed watercourse shall be maintained for future structures;
  - Vegetation surrounding the wetland and watercourse shall be maintained to a minimum depth of 30metres and that a 'no-touch' area be established and illustrated on the site plan drawing which shall be left in its natural state;
  - Natural drainage patterns on the site shall not be substantially altered such that additional run- off is directed into the wetland, watercourse or onto adjacent properties; and
  - implementation of a stormwater management plan using 'best management practices'. The plan shall be subject to review by the Conservation Authority and implemented to the satisfaction of the municipality;
- d. Species listed as endangered or threatened on the Species at Risk in Ontario List are protected under the Endangered Species Act, 2007 (ESA). Should any species at risk or their habitat be observed on-site and potentially impacted by on-site activities, Ministry of Natural Resources (MNR) should be contacted immediately and operations should be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNR. Melissa Laplante, Species at Risk Biologist in Peterborough District can be contacted at [Melissa.laplante@ontario.ca](mailto:Melissa.laplante@ontario.ca) or 705-755-3104 for further information on the ESA and species at risk.**
- e. Provide for an entrance at the Clement Road constructed to the satisfaction of the Public Works Manager.**
- f. Construct an access road built to a standard acceptable to the Public Works Manager and the Fire Chief. The access road or driveway shall be designed to also meet the requirements for fire access as required by the Building Code Act and shall be posted with Fire Access Route signs to the satisfaction of the Municipality.**
- g. Provide the required number of parking spaces set out in the zoning by-law in a location and constructed to a standard satisfactory to the municipality.**
- h. Provide site plan drawings illustrating the layout of the property and all of the servicing and development requirements set out above, to the satisfaction of the Municipality.**

Township of Central Frontenac, Committee of Adjustment August 20, 2009

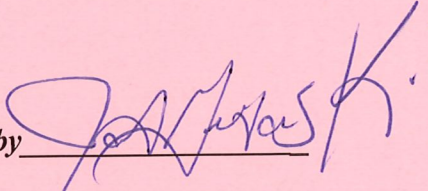
7. That the lands be subject to an official plan amendment to address the proposed multiple residential development.
8. That the lands for the retained and severed lots be rezoned to reflect the existing and proposed multiple residential land uses and to address the zone standards for frontage and access as required. *By Legal Documents  
Recorded by*
9. That if an archaeological resource is discovered during the construction of the development, construction will cease immediately and the Ministry of Culture be contacted.
10. All costs associated with the above official plan and zoning by-law amendments are the responsibility of the applicant.
11. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.



*Carried  
Francis Smith*

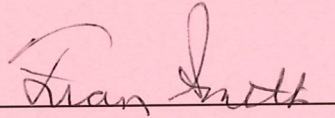
Township of Central Frontenac, Committee of Adjustment August 20, 2009

**Resolution # 25**

Moved by GARY SMITH Seconded by 

***That Severance Application B-11-09-OS, Pt. Lt. 1 & ½ of Lot 2, Conc. 7, Lawrence & Jessie Kennedy be deferred until the description of the benefitting lands are provided as well as deeds for those parcels establishing their right of ways from the Township Road to this parking area.***

Carried ✓  
Deferred         
Refused       

Chairperson 

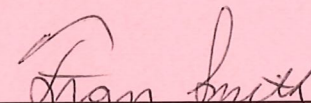
Township of Central Frontenac, Committee of Adjustment August 20, 2009

**Resolution # 26**

Moved by GARY SMITH Seconded by 

***That this meeting be adjourned until 6:00 p.m. September 16, 2009 at the Oso Soldiers Memorial Hall, Sharbot Lake***

Carried ✓  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson 

*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT**  
**Resolutions for August 20, 2009**  
**(Sharbot Lake)**

*Resolution #1 23*

Moved by *Norman Gutz* Seconded by GARY SMITH

*THAT the agenda be adopted as*

*Presented* *✓*

*Amended* \_\_\_\_\_

*Carried* *✓*  
*Deferred* \_\_\_\_\_  
*Refused* \_\_\_\_\_

*Chairperson* *Norman Gutz*



**TOWNSHIP OF CENTRAL FRONTENAC  
COMMITTEE OF ADJUSTMENT AGENDA**

**WEDNESDAY JULY 22, 2009**

**6:30 P.M.**

**OSO COMMUNITY HALL, SHARBOT LAKE**

**Adoption of the Agenda**

**SEVERANCE**

**B-09-09-OS – North Frontenac Non-Profit Housing Corp. – Creation of a new lot**

**B-10-09-KE – Rewbotham – Granting of a R.O.W. over an existing driveway**

**MINOR VARIANCE**

**A-3-09 – Howard Page – Reduction from front yard setback  
(with shoreline frontage)**

*Date for next mtg - August*

## COMMITTEE OF ADJUSTMENT MINUTES

Committee of Adjustment met on July 22, 2009 at 6:30 p.m. at the Community Hall in Sharbot Lake.

Present: Frances Smith, Robert Harvey, Phillip Smith, Janet Gutowski, Jeff Matson, Normand Guntensperger, John Purdon

Absent: William Snyder, Gary Smith

Staff in attendance: Cathy MacMunn, Secretary Treasurer and Ian Trickett, Chief Building Official,

Public in attendance: Tom MacDonald, agent for Mr. Rewbotham, Donna Longmire, Michelle Greenstreet, Nicole Greenstreet, Rick Greenstreet, Tim Hagel, Linda West, Brian West, Jane Drew, Cam Allen, Shelley Sepa, Erin Sepa, T. Roy Sepa, Lyle Byrnes, Beverly Byrnes

The purpose of the meeting was to discuss 2 consent applications and 1 minor variance application.

The meeting was called to order by the chair.

### ***Resolution #18***

***Moved by Phillip Smith      Seconded by Robert Harvey  
That the agenda be adopted as presented.***

***Carried***

The first application being heard is consent application B-09-09-OS - North Frontenac Non Profit Housing Corporation. The proposal is to sever a 0.598 ha parcel for a 5-unit seniors housing complex.

The chair asked if there was any additional information regarding this application. Staff reviewed the planning report with the committee and highlighted the comments from Glenn Tunnock, Township Planning Consultant. Mr. Tunnock mentioned that the proposed severance does not meet the requirements of the official plan with respect to compliance with the zoning by-law for lot frontage. Therefore, his recommendation is that the applicant revises the configuration of the severed and retained lots so that both the severed and retained parcels have direct frontage on the public road.

He further stated that an official plan amendment and zoning by-law amendment are also required to permit the new multiple residential dwelling and to address frontage and access requirements.

The committee concurred with the Planning Consultants' recommendation and deferred the application. Copy of the staff reports is included in the respective file.

**Resolution #19**

***Moved by Normand Guntensperger                      Seconded by Phillip Smith  
That Severance Application B-09-09-OS, Pt. Lt. 8, Conc. 1, North Frontenac  
Non-Profit Housing Corporation be deferred to allow for further input from the public  
and agencies involved.***

***Carried***

The next application was B-10-09-KE, Fraser D. Rewbotham. Mr. Rewbothams' agent Tom MacDonald was present. The proposed application is to provide a right of way over an existing driveway so that the neighbouring property has access to the private road.

The chair asked the staff to lead them through the report. A few questions regarding the driveway were directed to Mr. MacDonald who confirmed that the driveway already exists and that Mr. McFarlane has been travelling over it to access his property. The reason for this application is to legalize the use of this driveway.

The committee inquired as to whether or not Mr. McFarlane was able to gain access from his property. Mr. MacDonald stated no as the lot is too steep.

No further questions were raised. The committee approved the application with conditions. Copy of the staff report is included in the respective file.

**Resolution #20**

***Moved by Normand Guntensperger                      Seconded by Robert Harvey  
That Severance Application B-10-09-KE, Pt. Lt. 20, Conc. 10, Fraser D.  
Rewbotham be approved subject to the following conditions:***

- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.***
- 5. That the right of way be registered on title to the property over which it passes and the property to which it gives access.***
- 6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

***Carried***

### Committee of Adjustment Minutes – July 22, 2009 – Page 3

The next application was minor variance application A-3/09, Howard Page who was not present.

The chair asked the staff to lead them through the report. The application is to reduce the front yard setback (with shoreline frontage) from 30 metres to 19.5 metres to replace and extend an existing deck to the side of the cottage. Ian Trickett, Chief Building Official explained that the deck will not reduce the setback from the high water mark any further than the existing cottage. The committee approved the application with conditions. Copy of the staff report is included in the respective file.

#### ***Resolution #21***

***Moved by Phillip Smith      Seconded by Robert Harvey***

***In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.***

***THAT Minor Variance Application A-3/09, Pt. Lot 19, Concession 3 – Howard Page to reduce the front yard setback (with shoreline frontage) from 30 metres to 19.5 metres be approved subject to the following conditions and reasons:***

***That the applicant enters into a development agreement with the municipality to address the following:***

- 1. That soak away pits be constructed on the rear side of the building to treat storm water from the existing eaves troughing as discussed on site with the owner (eaves to be installed on west side and eaves on east side redirected to the rear of the structure).***
- 2. That no further development be approved within the 30 metre setback and no conversion of living space from the proposed and existing decking.***
- 3. The shoreline area to the east of the existing dock be allowed to re-naturalize (no mowing within 3 metres of the water). This provides near shore habitat, aids in nutrient filtration and stabilizes the shoreline.***

***And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.***

***FOR THE FOLLOWING REASONS:***

- 1. The variance is minor because the impacts will not further negatively affect the environment as the proposed deck extension will not encroach any further into the 30 metre setback than the cottage presently exists. It will also serve to maintain or improve the shoreline.***

2. *General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback.*
3. *It maintains the intent of the Official Plan by sustaining the ribbon of life concept, and is within the permitted uses on an existing lot of record.*
4. *Development will be in keeping with the character of the area in terms of scale, conservation of natural features, providing for adequate sewage disposal and being compatible with adjacent land uses.*

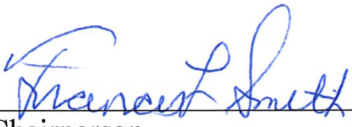
*Written approval of the Rideau Valley Conservation Authority is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Elbow Lake.*

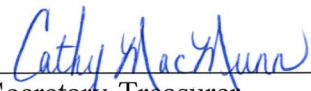
**Resolution #22**

*Moved by John Purdon Seconded by Norman Guntensperger*

*That this meeting be adjourned until 6:30 p.m. August 20, 2009 at Sharbot Lake.*

*Carried*

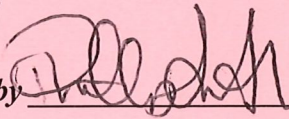
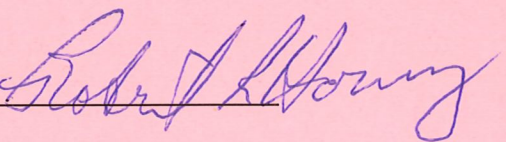
  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Secretary-Treasurer


*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT**  
**Resolutions for July 22, 2009**  
**(Sharbot Lake)**


*Resolution #18*

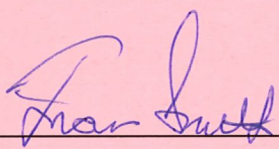
Moved by  Seconded by 

*THAT the agenda be adopted as*

Presented 


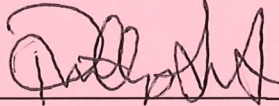
Amended \_\_\_\_\_

Carried   
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson 

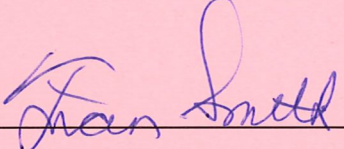
Township of Central Frontenac, Committee of Adjustment July 22, 2009

Resolution # ~~20~~ 19

Moved by  Seconded by 

~~That Severance Application B-09-09-OS, Pt. Lt. 8, Conc. 1, North Frontenac Non-Profit Housing Corporation be deferred to allow the applicants time to revise their drawing as recommended by Glenn Tunnoek, Township Planning Consultant in his report dated July 14, 2009.~~ for further input from the public and agencies involved.

Carried ✓  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson 

Township of Central Frontenac, Committee of Adjustment July 22, 2009

**Resolution # 20**

Moved by *Murray Galt* Seconded by *Robert L. Downey*

**That Severance Application B-10-09-KE, Pt. Lt. 20, Conc. 10, Fraser D. Rewbotham be approved subject to the following conditions:**

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the <sup>right of way be registered on title to the property over which it passes</sup> ~~Township of Central Frontenac~~ receives an amount ~~satisfactory to the Township of~~ up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990. <sub>and the property to which it gives access.</sub>
6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

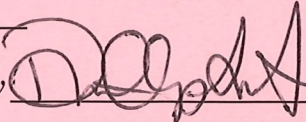
Carried ✓  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson *Tran Smith*

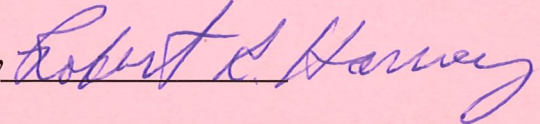
Township of Central Frontenac, Committee of Adjustment July 22, 2009

Resolution # 21

Moved by



Seconded by



*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*

THAT Minor Variance Application A-3/09, Pt. Lot 19, Concession 3 – Howard Page to reduce the front yard setback (with shoreline frontage) from 30 metres to 19.5 metres be approved subject to the following conditions and reasons:

**That the applicant enters into a development agreement with the municipality to address the following:**

1. That soak away pits be constructed on the rear side of the building to treat storm water from the existing eaves troughing as discussed on site with the owner (eaves to be installed on west side and eaves on east side redirected to the rear of the structure).
2. That no further development be approved within the 30 metre setback and no conversion of living space from the proposed and existing decking.
3. The shoreline area to the east of the existing dock be allowed to re-naturalize (no mowing within 3 metres of the water). This provides near shore habitat, aids in nutrient filtration and stabilizes the shoreline.

And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

FOR THE FOLLOWING REASONS:

1. The variance is minor because the impacts will not further negatively affect the environment as the proposed deck extension will not encroach any further into the 30 metre setback than the cottage presently exists. It will also serve to maintain or improve the shoreline.
2. General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback.
3. It maintains the intent of the Official Plan by sustaining the ribbon of life concept, and is within the permitted uses on an existing lot of record.
4. Development will be in keeping with the character of the area in terms of scale, conservation of natural features, providing for adequate sewage disposal and being compatible with adjacent land uses.

Written approval of the Rideau Valley Conservation Authority is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Elbow Lake.

Carried ✓  
Deferred \_\_\_\_\_  
Defeated \_\_\_\_\_

Chairperson Ken Small

Township of Central Frontenac, Committee of Adjustment July 22, 2009

Resolution # 27

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned until 6:30 p.m., Aug 20/09 at Sharbot Lake

Carried ✓  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson [Signature]



**TOWNSHIP OF CENTRAL FRONTENAC  
COMMITTEE OF ADJUSTMENT AGENDA**

**WEDNESDAY JULY 8, 2009**

**6:30 P.M.**

**OSO COMMUNITY HALL, SHARBOT LAKE**

**Adoption of the Agenda**

**Approval of the Minutes from June 10, 2009 meeting**

**SEVERANCE**

**B-02-09-OS – Basra – Creation of a new lot**

**B-03-09-HI – Nedow – Creation of a new lot**

**B-04-09-OS – Cowdy (Babcock) – Creation of a new lot**

**B-05-09-OS – Cowdy (Babcock) – Creation of a new lot**

**B-06-09-HI – Brown – Creation of a new lot**

**B-07-09-HI – Brown – Creation of a new lot**

**B-08-09-HI – Brown – Creation of a new lot**

**MINOR VARIANCE**

**A-2-09 – Dave Howe – Relief of dock size – resubmission - deferred previously**  
*(bring previous package)*


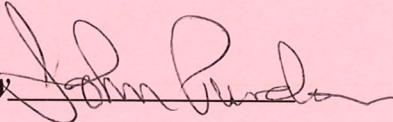
*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT**


**Resolutions for July 8, 2009**

**(Sharbot Lake)**

*Resolution #1 7*

Moved by  Seconded by 

**THAT the agenda be adopted as**

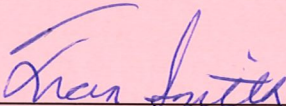
Presented 

Amended \_\_\_\_\_

Carried 

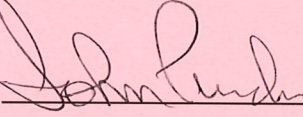
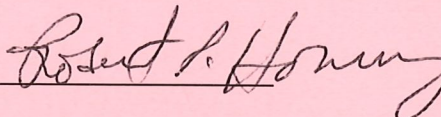
Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson 

Township of Central Frontenac, Committee of Adjustment July 8, 2009

*Resolution #2 8*

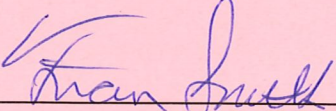
Moved by  Seconded by 

**That the minutes of the June 10, 2009 Committee of Adjustment meeting be adopted (as amended)**

Carried 

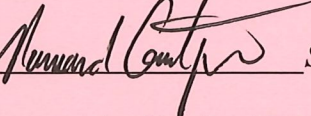
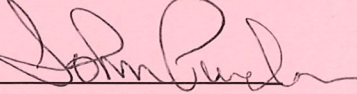
Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson 

Township of Central Frontenac, Committee of Adjustment July 8, 2009

**Resolution # 9**

Moved by  Seconded by 

***That Severance Application B-02-09-OS, Pt. Lt. 7, Conc. 1, Balwant & Surinder Basra be approved subject to the following conditions:***

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler; and that the recommendation of the Mississippi Valley Conservation Authority be reflected in the development agreement, specifically;
  - a. A minimum 30 metre setback from the seasonal high water mark of the unclassified wetlands and tributaries shall be maintained for future structures and a septic system.
  - b. The shoreline vegetation surrounding the wetlands and tributaries shall be retained to a minimum depth of 30 metres.
  - c. Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.
  - d. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetlands, tributaries or onto adjacent properties.
  - e. Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the wetlands and tributaries).

Township of Central Frontenac, Committee of Adjustment July 8, 2009

**Resolution # continued:**

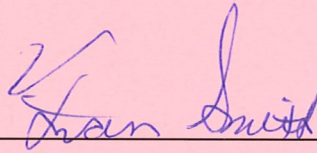
7. That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

**Carried** \_\_\_\_\_

**Deferred** \_\_\_\_\_

**Refused** \_\_\_\_\_

**Chairperson** \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment July 8, 2009

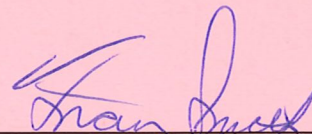
Resolution # 10

Moved by  Seconded by 

*That Severance Application B-03-09-HI, Pt. Lt. 26, Conc. 4, Peter & Charles Nedow be approved subject to the following conditions:*

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.
7. That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson 

**Resolution # 11**

Moved by  Seconded by 

**That Severance Application B-04-09-OS, Pt. Lt. 20, Conc.1, Angela Cowdy (Babcock) be approved subject to the following conditions:**

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.
7. That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson 

Township of Central Frontenac, Committee of Adjustment July 8, 2009

**Resolution #12**

Moved by John Pender Seconded by Normand Côté

**That Severance Application B-05-09-OS, Pt. Lt. 20, Conc.1, Angela Cowdy (Babcock) be approved subject to the following conditions:**

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Fran Smith

**Resolution #13**

Moved by Robert P. Army Seconded by GARY SMITH

**That Severance Application B-06-09-HI, Pt. Lt. 7, Conc. 7, Doug Brown be approved subject to the following conditions:**

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.
7. That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Frank Smith

Township of Central Frontenac, Committee of Adjustment July 8, 2009

**Resolution # 14**

Moved by GARY SMITH Seconded by Robert L. Howay

**That Severance Application B-07-09-HI, Pt. Lt. 2, Conc. 2, Doug Brown be approved subject to the following conditions:**

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.
7. That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment July 8, 2009

**Resolution #15**

Moved by Robert C. Harvey Seconded by GARY SMITH

**That Severance Application B-08-09-HI, Pt. Lt. 1, Conc. 1, Doug Brown be approved subject to the following conditions:**

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Gary Smith

Resolution # 16

Moved by Robert Harvey Seconded by GARY SMITH

*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*

THAT Minor Variance Application A-2/09, Pt. Lot 32, Concession 1 – Dave Howe requesting relief from Section 5.6.3 (i) of Zoning By-law 2002-120 for a dock size of 230 square feet be approved. This is based on the following reasons:

- 1) The proposed dock meets the general intent of the Official Plan (Section 3.7.7) as it is removable, constructed of non-toxic building materials,
- 2) The proposed dock meets the general intent of the zoning by-law (Section 5.6.3 i) as it is cantilevered, does not have a negative impact on fish habitat, is constructed of non-toxic building materials and is a permitted accessory structure to a shoreline residential dwelling,
- 3) The variance of 17.3% may be considered minor as the additional size will not interfere with navigation, or fish habitat and is in reasonable proportion to the shoreline property the dock will serve.
- 4) The proposed use is appropriate for development as a structure which is common to shoreline residential development.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson Tran Smith

Township of Central Frontenac, Committee of Adjustment July 8, 2009

**Resolution # 17**

Moved by GARY SMITH Seconded by Robert A. Harvey

**That this meeting be adjourned until 6:30 p.m., Wednesday July 22, 2009 at  
Sharbot Lake**

Carried \_\_\_\_\_

Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson \_\_\_\_\_

Fran Smith



**TOWNSHIP OF CENTRAL FRONTENAC  
COMMITTEE OF ADJUSTMENT AGENDA**

**WEDNESDAY JUNE 10, 2009**

**6:00 P.M.**

**OSO COMMUNITY HALL, SHARBOT LAKE**

**Adoption of the Agenda**

**Approval of the Minutes from May 6, 2009 meeting**

**SEVERANCE**

**B-1-09-OS – Howes – Creation of a new lot**

**MINOR VARIANCE**

**A-2-09 – Dave Howe – Relief of dock size**

## **Committee of Adjustment Minutes – June 10, 2009**

Committee of Adjustment met on June 10, 2009 at 6:00 p.m. at the Community Hall in Sharbot Lake.

Present: Gary Smith, Robert Harvey, Janet Gutowski, Jeff Matson, Phillip Smith, John Purdon, Frances Smith.

Absent: William Snyder, Normand Guntensperger

Staff in attendance: Cathy MacMunn, Secretary Treasurer and Ian Trickett, Chief Building Official, Glenn Tunnock and David Sappleton of Tunnock Consulting Ltd.

Public in attendance: Tom MacDonald, agent for Anne Howes, Brian Mulrooney, agent for Dave Howe

The purpose of the meeting was to discuss 1 consent application and 1 minor variance application.

First order of business is to elect a chairperson for this evenings' meeting.

### ***Resolution #1***

***Moved by Robert Harvey      Seconded by Phillip Smith  
THAT Janet Gutowski be elected as Chair for this evenings' meeting.***

Carried

The meeting was then called by the chair.

### ***Resolution #2***

***Moved by Phillip Smith      Seconded by Robert Harvey  
THAT the agenda be adopted as presented.***

Carried

The minutes of May 6, 2009 were reviewed and a spelling error was noted on the first page.

### ***Resolution #3***

***Moved by Robert Harvey      Seconded by Gary Smith  
That the minutes of the May 6, 2009 Committee of Adjustment meeting be  
adopted as amended.***

Carried

The first application dealt with was a consent application B-1/09 Anne Howes. The chair asked if there were any additions to the planning report. The only question raised was regarding the K&P Trail as it goes through a corner of the severed parcel. Mr. MacDonald, agent for Anne Howes mentioned that his client owns this parcel and that Bell Canada has an easement over it.

No other questions were raised. The committee approved the application with conditions.

**Resolution #4**

***Moved by Jeff Matson      Seconded by Gary Smith  
THAT Severance Application B-01-09-OS, Pt. Lot 9 & 10, Concession 1, Anne  
Howes be approved subject to the following conditions:***

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of the land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990 as amended.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler; and further that the recommendations of the Mississippi Valley Conservation Authority be reflected in the development agreement, Specifically;
  - a) *A minimum 30 metre setback from the seasonal high water mark of the unclassified wetlands shall be maintained for future structures and a septic system.*
  - b) *The shoreline vegetation surrounding the wetlands shall be retained to a minimum depth of 15 metres.*
  - c) *Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.*
  - d) *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland or onto adjacent properties.*
  - e) *Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the wetlands).*

***Resolution # 4 continued:***

7. That the applicant must ensure that the Public works Manager approves the entrance to the subject property.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipalities' satisfaction.

Carried

The next application being heard was a Minor Variance Application A-2-09 – Dave Howe. Mr. Mulrooney, agent for Mr. Howe was present for the discussion.

The applicant is requesting a relief from the provision of Zoning By-law 2002-120 in particular Section 5.6.3 (i) dock size. The by-law states a dock shall not exceed 1.8m (6ft) in width or 10m (32.8ft) in length or (196.8 sq ft). The applicant is requesting a dock size of 336 sq. ft.

One question raised by the committee was: What is the necessity to exceed the requirement of the zoning by-law?

Mr. Mulrooney mentioned that Proposal #1 is for the dock, second proposal is for the deck area. Dock is being built on crown land. There is a concrete structure 8 x 15 and 6 x 36. The necessity is to be able to dock a boat and the water is shallow and therefore needs the depth to dock a boat. The engineers actually were looking for a width of 8 feet but they have settled with 6 feet.

There is a recommendation from the staff report to go 250 square feet but that needs to be discussed by the committee.

Cathy mentioned that Mississippi Valley Conservation Authority made us aware of this application as they felt it was considered a structure in our zoning by-law and informed the applicant that they need to speak with the municipality and MNR.

It seems from the application that the permanent dock section will be concrete. It was expressed by the committee that the municipality does not put concrete docks in. Mr. Mulrooney mentioned that only steel will be in the water not concrete.

The dock will be located 10 metres within each side of the property line.  
The committee expressed concerns on the size of this dock.

Glenn Tunnock, Township Planner outlined what was in the zoning by-law for the committee regarding docks.

The chair mentioned that approving a dock of this size would set a precedent. She has received comments and concerns from people who have neighbors' that have large docks.

She further emphasized that she is not prepared to support this application as it is not minor in nature.

Mr. Mulrooney asked the committee what would satisfy them is it the length of the dock that is the problem – hurricane dock – it could be reduced.

**Committee of Adjustment Minutes – June 10, 2009 – Page 4**

The committee decided to defer this application to allow the agent to go back and speak with the owner and come back with another proposal at the next committee of adjustment meeting which is scheduled for July 8, 2009.

Copy of the staff reports is included in the respective file.

***Resolution #5***

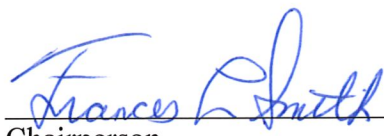
*Moved by Jeff Matson      Seconded by Gary Smith  
THAT Minor Variance A-2-09, Pt. Lot 32, Concession 1 – Dave Howe  
requesting relief from Section 5.6.3.(i) of Zoning By-law 2002-120 re: dock size,  
from 192 square feet to 336 square feet be deferred.*

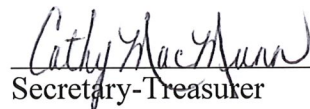
Carried

***Resolution #6***

*Moved by Jeff Matson      Seconded by Gary Smith  
THAT this meeting be adjourned until 6:30 p.m. Wednesday July 8, 2009 at  
Sharbot Lake.*

Carried

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Secretary-Treasurer

*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT**

**Resolutions for June 10, 2009**

**(Sharbot Lake)**

Township of Central Frontenac, Committee of Adjustment June 10, 2009

**Resolution #1**

Moved by *Robert J. Young* Seconded by *D. [Signature]*

THAT *Jamet Gutowski* ~~*Gary Smith*~~ be elected as Chair for this evenings' meeting.

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Refused \_\_\_\_\_

Chairperson *[Signature]*

Township of Central Frontenac, Committee of Adjustment June 10, 2009

Resolution # \_\_\_\_\_

Moved by  Seconded by 

**THAT the agenda be adopted as**

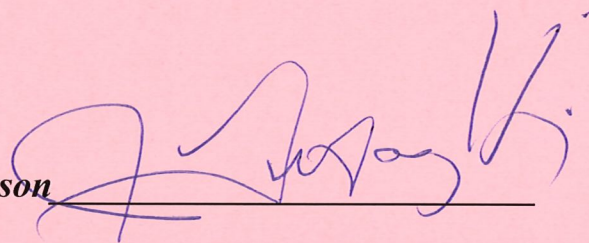
Presented

Amended \_\_\_\_\_

Carried

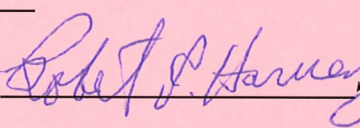
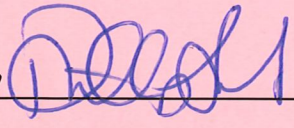
Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson 

Township of Central Frontenac, Committee of Adjustment June 10, 2009

Resolution # \_\_\_\_\_

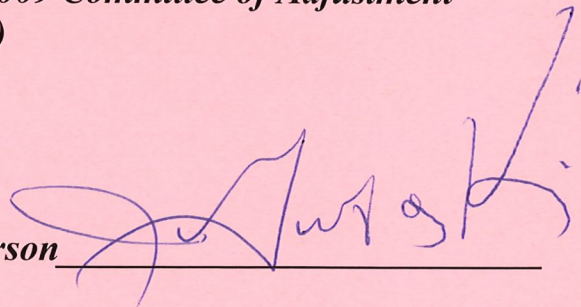
Moved by  Seconded by 

**That the minutes of the May 6, 2009 Committee of Adjustment meeting be adopted (as amended)**

Carried

Deferred \_\_\_\_\_

Refused \_\_\_\_\_

Chairperson 

Township of Central Frontenac, Committee of Adjustment June 10, 2009

**Resolution #** \_\_\_\_\_

Moved by *[Signature]* Seconded by GARY SMITH

**THAT Severance Application B-01-09-OS, Pt. Lot 9 & 10, Concession 1, Anne Howes be approved subject to the following conditions:**

1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the 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. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.
3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.
4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
5. That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of the land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990 as amended.
6. That the applicant shall enter into a development agreement with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler; and further that the recommendations of the Mississippi Valley Conservation Authority be reflected in the development agreement, specifically;

*A minimum 30 metre setback from the seasonal high water mark of the unclassified wetlands shall be maintained for future structures and a septic system.*

*The shoreline vegetation surrounding the wetlands shall be retained to a minimum depth of 15 metres.*

*Development shall be directed outside of wetland areas which contain organic soils. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development.*

**Resolution # \_\_\_\_\_ continued:**

*Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland or onto adjacent properties.*

*Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the wetlands).*

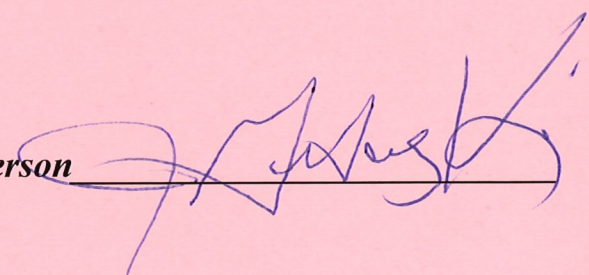
7. That the applicant must ensure that the Public works Manager approves the entrance to the subject property.
8. That confirmation is filed with each application file that conditions have been fulfilled to the municipalities' satisfaction.

**Carried** \_\_\_\_\_

**Deferred** \_\_\_\_\_

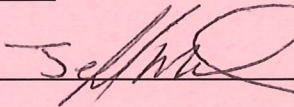
**Refused** \_\_\_\_\_

**Chairperson** \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment June 10, 2009

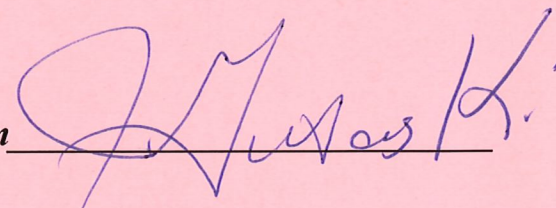
**Resolution #** \_\_\_\_\_

Moved by  Seconded by GARY SMITH

*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*


THAT Minor Variance Application A-2/09, Pt. Lot 32, Concession 1 – Dave Howe requesting relief from Section 5.6.3 (i) of Zoning By-law 2002-120 re: dock size from 192 square feet to 336 square feet be ~~denied for the following reasons:~~ *deferred,*

**Carried**   
**Deferred**             
**Refused**           

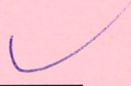
**Chairperson** 

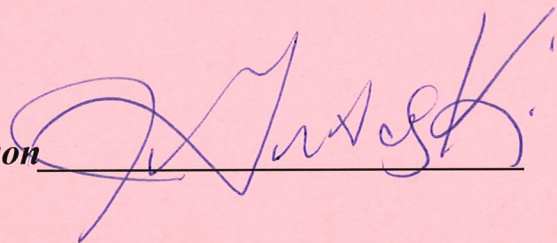
Township of Central Frontenac, Committee of Adjustment June 10, 2009

**Resolution #** \_\_\_\_\_

**Moved by**  **Seconded by** GARY SMITH

***That this meeting be adjourned until 6:30 p.m., Wednesday July 8,  
2009 at Sharbot Lake***

**Carried**   
**Deferred** \_\_\_\_\_  
**Refused** \_\_\_\_\_

**Chairperson** 



**TOWNSHIP OF CENTRAL FRONTENAC  
COMMITTEE OF ADJUSTMENT AGENDA  
WEDNESDAY MAY 6, 2009**

**6:30 P.M.**

**OSO COMMUNITY HALL, SHARBOT LAKE**

- ✓ **Appointment of Chair**
- ✓ **Adoption of the Agenda**
- ✓ **Approval of the Minutes from December <sup>15</sup> ~~18~~, 2008 meeting**

**MINOR VARIANCE**

- ✓ **A-1-09 – David Kolody – Reduction from front yard setback  
(with shoreline frontage)**

**PLANNING ITEMS**

**Barrett Xplore Inc. – Wireless Telecommunication Tower Installations**

**Andy Gray Zoning Amendment – confirmation of parking space**

**Committee of Adjustment Procedural By-law**

*do you wish  
(public meeting)  
invitation*

## **Committee of Adjustment Minutes – May 6, 2009**

Committee of Adjustment met on May 6, 2009 at 6:30 p.m. at the Community Hall in Sharbot Lake.

Present: Gary Smith, Robert Harvey, Janet Gutowski, Jeff Matson, Phillip Smith, John Purdon, Frances Smith.

Absent: William Snyder

Staff in attendance: Cathy MacMunn, Secretary Treasurer and Ian Trickett, Chief Building Official.

Public in attendance: David Kolody

The purpose of the meeting was to discuss 1 minor variance application.

Janet Gutowski, previous chairperson opened the meeting. The first order of business was to elect a chairperson for 2009.

### ***Resolution #1***

***Gary Smith and Robert Harvey***

***THAT Frances Smith be elected as Chair of the Committee of Adjustment for the 2009 year.***

Carried

The meeting was then called to order by the new chairperson.

### ***Resolution #2***

***Robert Harvey and Gary Smith***

***THAT the agenda be adopted as presented.***

Carried

The minutes of December 15, 2008 were reviewed and a spelling error was noted on page 1 it should have read for Robert Heighling.

### ***Resolution #3***

***Robert Harvey and Gary Smith***

***That the minutes of the December 15, 2008 Committee of Adjustment meeting be adopted (as amended).***

Carried

The first application dealt with was minor variance application A-1/09 David Kolody. Cathy gave an overview of the application stating that the applicant is requesting a reduction of the front yard setback (with shoreline frontage) from 30m to 26m and 30m to 19m respectively to allow for an addition to be built to an existing dwelling. The addition is to add an additional bedroom and bathroom and to raise the level of parts of the existing cottage so the whole building becomes handicapped accessible. The addition will be located at the rear of the existing cottage and the setbacks from the high water mark will be maximized on all sides. Copy of the staff report is included in the respective file.

There was a question raised with respect to the measurements and whether the 19 metres and 26 metres are from the high water mark or waters edge as the engineering plans show both. A discussion took place on this issue. The proposed addition will be located to the rear of the building and that in fact the measurements are from the high water mark. On the engineering plan it does make reference to both the waters edge and the high water mark for the existing building and not the addition. Mr. Kolody confirmed this. The committee did mention that in future surveys or engineering plans should indicate the measurement from the high water mark since the Official Plan and Zoning By-law refer to these.

Another question raised was that we did not have the septic system on as a condition since no report had been submitted. Cathy confirmed that comments have been received by the Public Health stating that they have no objection to the minor variance as the owner has submitted an application for a new system under number OS-01-09.

The committee approved the application with conditions.

***Resolution #4***

***Robert Harvey and Gary Smith***

***That Minor Variance Application A-1/09, Pt. Lot 8, Concession 3 – David Kolody to reduce the front yard setback (with shoreline frontage) from 30m to 26m and 30m to 19m respectively be approved subject to the following conditions and reasons:***

***That the applicant enters into a development agreement with the municipality to address the following:***

1. With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetated buffer shall be retained to a minimum depth of 15 metres, to mitigate the effects of erosion and surface runoff on the lake.
2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the water.
4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
5. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to maximize infiltration.

And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

**REASONS FOR THE DECISION:**

1. **The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will be not encroach any further into the 30 metre setback than it presently exists. It will also serve to maintain or improve the shoreline.**
2. **General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback.**
3. **It maintains the intent of the Official Plan by sustaining the ribbon of life concept, and is within the permitted uses on an existing lot of record.**
4. **Development will be in keeping with the character of the area in terms of scale, conservation of natural features, providing for adequate sewage disposal and being compatible with adjacent land uses.**

There is no regulated flood plain area located on the property. However, the property owner should be advised that in the event that shoreline work is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

Carried

Cathy mentioned that she included other planning matters on the agenda for perusal and discussion only. Formal resolutions will be submitted at the regular council meeting on May 11, 2009.

**Other planning matters discussed were:** Barrett Xplore Inc. wireless telecommunications tower installations: A report provided by David Sappleton of Tunnock Consulting was provided. The purpose of the report is to describe the proposed installations, highlight concerns that Industry Canada should be aware of, and offer alternative solutions for siting the towers if necessary.

John Purdon mentioned they do not have scaled drawings to indicate the exact location of the tower.

Gary Smith mentioned that this is different than the Rogers communication towers we have been dealing with. This company has been awarded a contract by the County of Frontenac and these towers are to be closer to the community it will serve.

Gary asked are we putting in new towers that may not be cheaper than Rogers etc.

Janet feels that they will be cheaper from all the information that she has received. These towers are smaller than the ones that Rogers and Bell have installed.

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It was decided that more detail is required as well as a public meeting.

Andy Gray Zoning Amendment was discussed. Cathy provided a copy of the court order regarding the parking space.

John Purdon mentioned that the court document raises more questions such as the document is not dated, not signed, and not stamped he feels it is a preliminary document and does not show proof as a legal document.

Cathy provided a copy of the procedural by-law for the committee of adjustment with the recommended changes as provided by John Purdon.

16a the word discussed was included instead of proposed. It was decided to take out the word discussed.

Typo's in the numbering – Cathy to correct this

In the planning report it was suggested that other agencies that have been circulated be included in the report beside the adjacent land conditions.

Gary Smith mentioned that on page 2: Committee of Adjustment is very different than council as the members of the committee should not be in discussion with applicants before the hearing as it is a quasi-judicial body. Should this be included in the procedural by-law it was noted it should not be. It was decided to take the word policy out on the front page.

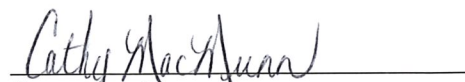
***Resolution #5.***

***Robert Harvey and Gary Smith***

***That this meeting be adjourned until 6:00 p.m. Wednesday June 10, 2009 at Sharbot Lake – Community Hall.***

Carried

  
Chairperson

  
Secretary-Treasurer

*Corporation of the Township of Central Frontenac*

**COMMITTEE OF ADJUSTMENT  
Resolutions for May 6, 2009  
(Sharbot Lake)**

Township of Central Frontenac, Committee of Adjustment May 6, 2009

**Resolution #1**

Moved by GARY SMITH Seconded by [Signature]

THAT Fran Smith be elected as Chair of the

*Committee of Adjustment for the 2009 year.*

Carried ✓  
Deferred \_\_\_\_\_  
Defeated \_\_\_\_\_

Chairperson [Signature]

Township of Central Frontenac, Committee of Adjustment May 6, 2009

**Resolution # 2**

Moved by [Signature] Seconded by GARY SMITH

THAT the agenda be adopted as

Presented ✓

Amended \_\_\_\_\_

Carried \_\_\_\_\_  
Deferred \_\_\_\_\_  
Defeated \_\_\_\_\_

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment May 6, 2009

**Resolution #** 3

Moved by *[Signature]* Seconded by GARY SMITH

That the minutes of the December <sup>15</sup>~~18~~, 2008 Committee of Adjustment meeting be adopted as presented (as amended).

Carried \_\_\_\_\_

Deferred \_\_\_\_\_

Defeated \_\_\_\_\_

Chairperson *[Signature]*

Resolution # 84

Moved by Robert J. Almy Seconded by GARY SMITH

*In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act, concur in the following decision and reasons for decision.*

THAT Minor Variance Application A-1/09, Pt. Lot 8, Concession 3 – ~~James Mitchell~~ <sup>David Kolody</sup> to reduce the front yard setback (with shoreline frontage) from 30m to <sup>17m</sup> ~~17m~~ <sup>be and 19m</sup> approved subject to the following conditions and reasons: <sup>19-26</sup>

respectively

**That the applicant enters into a development agreement with the municipality to address the following:**

1. With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetated buffer shall be retained to a minimum depth of 15 metres, to mitigate the effects of erosion and surface runoff on the lake.
2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the water.
4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
5. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to maximize infiltration.

And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will be not encroach any further into the 30 metre setback than it presently exists. It will also serve to maintain or improve the shoreline.**
2. **General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback.**
3. **It maintains the intent of the Official Plan by sustaining the ribbon of life concept, and is within the permitted uses on an existing lot of record.**
4. **Development will be in keeping with the character of the area in terms of scale, conservation of natural features, providing for adequate sewage disposal and being compatible with adjacent land uses.**

There is no regulated flood plain area located on the property. However, the property owner should be advised that in the event that shoreline work is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

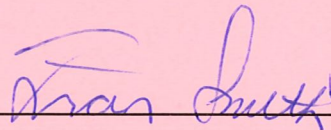
In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

*Carried* \_\_\_\_\_

*Deferred* \_\_\_\_\_

*Defeated* \_\_\_\_\_

*Chairperson* \_\_\_\_\_



Township of Central Frontenac, Committee of Adjustment May 6, 2009

Resolution # 5

Moved by Robert Hoffmeyer Seconded by GARY SMITH

That this meeting be adjourned until 6:30 p.m., Wednesday June 10, 2009 at Sharbet Lake.

Carried           

Deferred           

Defeated           

Chairperson Frank Smith