



COMMITTEE OF ADJUSTMENT

WEDNESDAY NOVEMBER 24, 2010

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 meetings – September and October**
- 5) **Unfinished/Old business and business arising from the minutes**
- 6) **Applications for consent:**
 - B-16-10-OL – Estate of Maude E. MacLean – lot addition**
 - B-17-10-OL – Estate of Maude E. MacLean – lot addition**
 - B-18-10-OL – Paul Schmacher – lot addition**
 - B-19-10-HI – Estate of Ellen K. Whetzel – lot addition**
- 7) **Applications for minor variance:**
 - A-11-10- Gunars Gaikis – revised sketch**
 - A-12-10 – Robert Patten – revised sketch**
 - A-13-10 – Brian Grady – reduction from high water mark**
 - A-14-10 – Joe Bradner – reduction from high water mark**
- 8) **Other planning business**
- 9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes –November 24, 2010

Committee of Adjustment met on November 24, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Staff in attendance: Cathy MacMunn, Secretary Treasurer
Glenn Tunnock, Planning Consultant was also present

Public in attendance: Tom MacDonald, Gunars Gaikis, Mrs. Gaikis, JoEllen Whetzel, Rozalia Cervenak, Robert Patten

There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss four consent applications and four minor variance applications.

Resolution #60

Moved by Jeff Matson

Seconded by W.P. Snyder

THAT the agenda be adopted as amended

Carried

The minutes from September and October were not ready for approval and will be presented at the next committee meeting.

Applications B-16-10-OL and, B-17-10-OL in the name of Estate of Maude E. MacLean along with application B-18-10-OL in the name of Paul Schumacher were discussed together. Tom MacDonald who is the agent for all three applications was present for the discussion.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. B-16-10-OL is being severed as a lot addition to the adjacent lot in the name of Barbara Schumacher identified as Parcel B on the sketch. The severed parcel is part of Valley Lane which is an unused right of way. There is a dwelling located on this parcel with the tile bed, septic tank and sheds are on parcel A. The goal is to merge all three parcels known as A, B and C to become one lot. The total acreage of the new parcel will be 1.34 ha or 3.3 acres with 35 metres of frontage on Sharbot Lake. This parcel will exceed the lot size requirement for a lot in the waterfront zone but will be deficient in lot frontage. The existing dwelling is between 50 and 60 metres from the water. There is a steep slope leading to the water. It was mentioned that no further development is planned for the lot.

KFL&A Public Health have no objection to the proposed severance.

Mississippi Valley Conservation Authority stated in their report that they have no objection to the application and stated the purpose of the applications is to sever and convey property to the rear of two existing waterfront lots on Sharbot Lake. From the applications provided it is understood that two separate lot additions will be appended to the two waterfront parcels (Parcel E & F to Parcel D). Parcel D is not developed except for a small cabin located 5 meters the water. Parcel A and Parcel C will be merged to Parcel B.

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This lot (Parcel B) has an existing dwelling located approximately 50 - 60 meters from the water with a septic system installed to the rear of the dwelling. There is a significant slope to the water (2:1). The near shore area is undisturbed and there is limited access (stairs and pathway) to the water from the existing dwelling. There is no change in the water frontage for either lot. The MVC does not anticipate any impact to water quality as a result of the lot addition on the exiting dwelling (Parcel B). We are concerned with the slope on the eastern lot (Parcel D) and recommend that a geotechnical study be completed to assess slope stability if any future development is proposed within 60 metres of the water on Parcel D.

The committee approved this application with conditions.

Resolution #61

Moved by Jeff Matson

Seconded by W.P. Snyder

That Severance Application B-16-10-OL, Pt. Lot 13, Conc. 9, Estate of Maude E. MacLean 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

Application B-17-10-OL is being severed as a lot addition to the adjacent lot in the name of Barbara Schumacher identified as Parcel D on the sketch. The severed parcel is part of Valley Lane which is an unused right of way. This parcel along with Parcel F will be added to Parcel D and will become one lot. There is a small cabin on Parcel D with a wood deck at the water. The slope to the water is very steep and if further development is planned the staff concur with the Mississippi Valley Conservation Authority that a geotechnical study be carried out to assess slope stability. Parcel D presently is a single lot of record which is undersized and by adding Parcel E and F it will bring it closer into compliance.

KFL&A Public Health have no objection to the proposed severance.

Mississippi Valley Conservation Authority provided one report for all three applications which has been included under B-16-10-OL.

The committee approved this application with conditions.

Resolution #62

Moved by W.P. Snyder

Seconded by Jeff Matson

That Severance Application B-17-10-OL, Pt. Lot 13, Conc. 9, Estate of Maude E. MacLean be approved subject to the following conditions:

Resolution #62 continued:

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.*

Resolution #62 continued:

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

Carried

Application B-18-10-OL, Paul Schumacher is being severed as a lot addition to the adjacent lot in the name of Barbara Schumacher identified as Parcel D on the sketch. The severed parcel is vacant land. This parcel along with Parcel E will be added to Parcel D and will become one lot. The slope to the water is very steep and if further development is planned the staff concur with the Mississippi Valley Conservation Authority that a geotechnical study be carried out to assess slope stability. There appears to be a suitable building envelope located at 60 meters on a plateau at the same setback as the existing dwelling on Parcel B which is on the unused right of way or Parcel E. Paul and Barbara Schumacher are subdividing their property so that both end up with water frontage. During the updating of the zoning by-law we will confirm that both new parcels will be in the waterfront residential zone.

KFL&A Public Health have no objection to the proposed severance.

Mississippi Valley Conservation Authority provided one report for all three applications which has been included under B-16-10-OL.

The committee approved this application with conditions.

Resolution #63

Moved by Jeff Matson

Seconded by W.P. Snyder

That Severance Application B-18-10-OL, Pt. Lot 13, Conc. 9, Paul Schumacher 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.*

Resolution #63 continued:

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

The next application heard was consent application B-19-10-HI, Pt. Lot 16 & 17, Conc.12, Estate of Ellen K. Whetzel.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained the proposed consent application is being severed as a lot addition to the adjacent lot in the name of Herbert Whetzel. The severed and retained lands are vacant. There are no immediate plans to build on the lot. The reason this is being severed is to split the property in equal portions for each of the siblings as per the Estate of their mother Ellen K. Whetzel.

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KFL&A Public Health conducted a site visit and as a result has no objections to the proposed severance.

Quinte Conservation Authority has agreed that it is not necessary to circulate lot addition applications to them for comment as the end result will be a positive net environmental gain.

The committee approved the application with conditions.

Resolution #64

Moved by John Purdon

Seconded by Normand Guntensperger

That Severance Application B-19-10-HI, Pt. Lot 16 & 17, Conc. 12, Estate of Ellen K. Whetzel 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.*

Resolution #64 continued:

6. 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 next application before the committee was minor variance A-11-10, Gunars Gaikis which was deferred from the previous meeting to allow Mr. Gaikis the opportunity to review his options further regarding the location of the proposed new dwelling and to submit a revised sketch and application.

Mr. Gaikis provided a revised sketch and proposal for the new dwelling.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer advised the committee that the revised sketch indicated that the proposed new dwelling has been scaled back in size and the location has been changed, by increasing the setback from the high water mark from 61 ft or 18.5 m to 71 ft or 21.6 m. Cathy also advised the committee that the revised sketch was provided to the Mississippi Valley Conservation Authority for further comments.

Mississippi Valley Conservation Authority's reviewed the latest proposal and note that the water body setback has been improved compared to the original proposal. However, it still results in a substantial reduction to the existing and complying setback. In addition, as stated in their previous review, sufficient area exists on the property to comply with the minimum standard of 30 metres. Therefore, with all of that in mind, their original assessment remains the same and they recommend that the minimum setback of 30 metres is achieved. They realize that this may mean demolishing the existing prior to construction of the replacement; however, in their opinion that allowing significantly reduced setback for a permanent structure for the purpose of accommodating a temporary structure (existing cottage) is not minor and therefore not justified. They also noted concerns that this may set an unfavorable precedent.

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Mr. Gaikis reviewed both sketches with the committee and mentioned he would like to build larger and not near the road. He also mentioned that the concerns of Mississippi Valley Conservation Authority regarding setbacks from the water did not provide any analysis.

He further indicated that due to the land elevation and grade suggests there will be no problem and no concerns of runoff into the lake.

Mr. Gaikis also mentioned that the existing building is not in compliant as it is too close to the rear lot line. He also indicated the measurement should be from the average water level as he stated in his earlier email. Mr. Gaikis stated that he appeared at the October 20th committee meeting and has provided a revised sketch showing that the proposed dwelling has been moved further south making it further from the water and believes he is being as accommodating as possible and cannot located the building anywhere else as if he builds 8 feet to the road the variance would be 65%.

Glenn Tunnock, planning consultant mentioned there is no mathematical calculation for a variance it is dependent on the impact on the water. He further stated the figure 25% is in the explanatory note, and is not regulation.

The committee thanked Mr. Gaikis for taking the time to review his proposal and submit a revised sketch/proposal but there are still concerns that it is not minor and it is still projecting into the water setback and cannot support in its present state.

The committee agreed to defer this application to provide them the opportunity to consult with the municipality's planning consultant by reviewing this application in further detail.

Resolution #65

Moved by John Purdon

Seconded by Normand Guntensperger

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-11-10, Pt. Lot 32, Concession 1 – Gunars A. Gaikis to reduce the front yard setback (with shoreline frontage) from 30 metres to 21.6 metres to allow for the replacement of a new dwelling be deferred to allow the committee the opportunity to consult with the municipality's planning consultant to review this application in further detail.

Carried

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The next application heard was minor variance A-12-10, Robert Patten which was deferred from the previous meeting to allow Mr. Patten the opportunity to review his options further regarding the location of the proposed new dwelling and to submit a revised sketch and application.

Mr. Patten was present and discussed his revised sketch and proposal with the committee.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer advised the committee that the revised sketch indicated that the proposed new dwelling has been scaled back in size from 1360 square feet to 1196 square and has increased the setback from the high water mark from 72 ft or 21.9 m to 78 ft or 23.7 m.

Mississippi Valley Conservation Authority's reviewed the latest proposal and note that the water body setback has been improved compared to the original proposal. However, it still results in a substantial reduction to the existing and complying setback. In addition, the degree of footprint proposed within the water body setback still exceeds the maximum increase recommended in their original review. Therefore, with all that in mind, their original assessment remains the same.

No further comments have been received by KFL&A Public Health.

Mr. Patten mentioned that he understands that he encroaches into the water body setback but that 25% of existing building is already within the setback. He has reviewed his proposal and has reduced the size of the addition to 1196 square feet which will still fit what his needs are.

Resolution #66

Moved by Normand Guntensperger

Seconded by John Purdon

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-12-10, Pt. Lot 8, Concession 2 – Robert Patten to reduce the front yard setback (with shoreline frontage) from 30 metres to 23.7 metres to allow for an addition to be built to an existing dwelling be deferred to allow the committee the opportunity to consult with the municipality's planning consultant and Mississippi Valley Conservation Authority to review this application in further detail.

Carried

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The next application heard was minor variance A-13-10, Pt. Lot 29, Conc. 5, Brian Grady to reduce the front yard setback (with shoreline frontage) from 30 metres to 24.38 metres to allow for an addition to be built to an existing dwelling.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. The proposal is to construct an addition to an existing seasonal cottage to the side and the back. The proposed addition will have a building area of 175.58 sq metres (1889 sq feet). The setback from the high water mark was confirmed at 26.5 metres but the application states 24.38 and the decision has to reflect this number, otherwise, the application has to be recirculated. This new addition will not be going any closer to the water than the existing cottage.

KFL&A Public Health conducted a site visit and as a result has no objections to the proposed minor variance.

Rideau Valley Conservation Authority conducted a site visit and no concerns were raised and stated verbally they had no objections to the minor variance as the addition is not going any closer to the water than the existing dwelling.

The committee approved with conditions.

Resolution #68

Moved by John Purdon

Seconded by Normand Guntensperger

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-13-10, Pt. Lot 29, Concession 5 – Brian Grady to reduce the front yard setback (with shoreline frontage) from 30 metres to 24.38 metres to allow for an addition to be built to an existing dwelling 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. 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.**
- 2. Excavated material shall be disposed of well away from the lake.**

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3. **Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
4. **Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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 addition is not going any closer to the water than the existing dwelling. It will also serve to maintain the shoreline.**
2. **General intent is to maintain a reasonable setback given that 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.**

Carried

The next application heard was minor variance A-14-10, Lot 14, Conc. 1, Joe Bradner to reduce the front yard setback (with shoreline frontage) from 30 metres to 10.5 metres to allow for the replacement of a cottage that was destroyed by fire.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. The proposal is to rebuild an existing dwelling which was destroyed by fire. The plans are to build on the same footprint with one change. The area that was the bathhouse on the west side will not be rebuilt. The plan is to move that same size over 8 feet to complete the kitchen area by squaring the building off.

The zoning by-law allows Mr. Bradner to rebuild within 2 years but because he is changing the footprint he is required to apply for a minor variance. Staff, conducted a site visit yesterday and confirmed that in fact by relocating the building slightly to square it off is further away from the water than the existing. Mr. Bradner will be installing a compost toilet and therefore there is no septic system required.

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He presently has a gray water/leaching pit which is over 30 years old and plans to use the same area provided the Public Health will permit him to use the existing one otherwise he will be required to install a new one.

KFL&A Public Health have not provided comments as they were unable to attend the site visit.

Mississippi Valley Conservation Authority reviewed the application and provided the following comments. Given that the pre-existing structure was destroyed by natural causes, MVC does not have any objection to its replacement with an equal footprint. They were pleased to note that the applicant is proposing to increase the water body setback with the replacement structure. They recommended standard mitigative measures.

The committee approved with conditions.

Resolution #68

Moved by John Purdon

Seconded by Normand Guntensperger

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-14-10, Lot 14, Concession 1 – Joe Bradner to reduce the front yard setback (with shoreline frontage) from 30 metres to 10.5 metres to allow for the replacement of a cottage that was destroyed by fire 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. 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.**
- 2. Excavated material shall be disposed of well away from the lake.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**

4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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.
5. That the KFL&A Public Health requirements regarding a gray water/leaching pit be complied with.

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 replaced cottage will not go any closer to the water than the existing dwelling and in fact will be further back. It will also serve to maintain the shoreline.
2. General intent is to maintain a reasonable setback given that this is an island property and there is no other location to build. The existing dwelling was 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 gray water/leaching pit system and the use is not changing.

Carried

Resolution #69

Moved by John Purdon

Seconded by Normand Guntensperger

That this meeting be adjourned until 6:00 p.m. December 15, 2010 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for November 24, 2010
(Sharbot Lake)

Resolution # 60

Moved by Jeff Munkow Seconded by W. P. Snyder

THAT the agenda be adopted as

Presented _____

Amended ✓ _____

Carried _____

Deferred _____

Refused _____

Chairperson Tom Dudd

Township of Central Frontenac, Committee of Adjustment November 24, 2010

Resolution # 61

Moved by Jeff Matson Seconded by W.P. Snyder

That Severance Application B-16-10-OL, Pt. Lot 13, Conc. 9, Estate Maude E. MacLean 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:

Township of Central Frontenac, Committee of Adjustment November 24, 2010

That Severance Application B-16-10-OL, Pt. Lot 13, Conc. 9, Estate Maude E. MacLean be approved subject to the following conditions:

6 continued:

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 bylaw 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 that conditions have been fulfilled to the municipality's satisfaction.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Frank Swell

Township of Central Frontenac, Committee of Adjustment November 24, 2010

Resolution # 62

Moved by W.P. Snyder Seconded by Jeff Matheson

That Severance Application B-17-10-OL, Pt. Lot 13, Conc. 9, Estate Maude E. MacLean 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:*

Township of Central Frontenac, Committee of Adjustment November 24, 2010

That Severance Application B-17-10-OL, Pt. Lot 13, Conc. 9, Estate Maude E. MacLean:

6 continued:

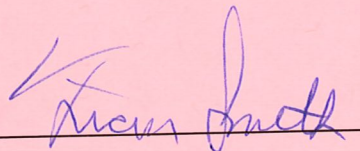
In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a bylaw under subsection 50(4) deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to 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 that conditions have been fulfilled to the municipality's satisfaction.***

Carried _____
Deferred _____
Refused _____

Chairperson _____



Township of Central Frontenac, Committee of Adjustment November 24, 2010

Resolution # 63

Moved by J. P. Madsen Seconded by W. P. Snyder

That Severance Application B-18-10-OL, Pt. Lot 13, Conc. 9, Paul Schumacher:

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:*

That Severance Application B-18-10-OL, Pt. Lot 13, Conc. 9, Paul Schumacher:

6 continued:

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 bylaw 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 _____

Tran Luch

Township of Central Frontenac, Committee of Adjustment November 24, 2010

Resolution # 64

Moved by

Seconded by

That Severance Application B-19-10-HI, Pt. Lot 16 & 17, Conc.12, Estate of Ellen K. Whetzel 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:*

Township of Central Frontenac, Committee of Adjustment November 24, 2010

That Severance Application B-19-10-HI, Pt. Lot 16 & 17, Conc.12, Estate of Ellen K. Whetzel:

6 continued:

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 bylaw 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

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

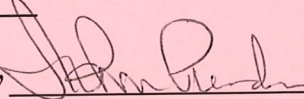
Carried _____
Deferred _____
Refused _____

Chairperson *Frank J. [Signature]*

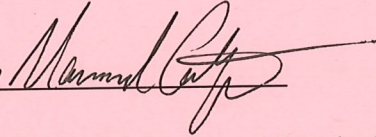
Township of Central Frontenac, Committee of Adjustment November 24, 2010

Resolution # 65

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.

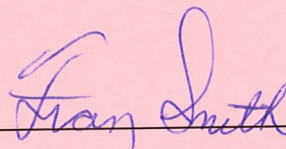
THAT Minor Variance Application A-11-10, Pt. Lot 32, Concession 1 – Gunars A. Gaikis to reduce the front yard setback (with shoreline frontage) from 30 metres to 21.6 metres to allow for the replacement of a new dwelling be deferred to allow the committee the opportunity to consult with the municipality's planning consultant to review this application in further detail.

Carried _____

Deferred _____

Refused _____

Chairperson



Township of Central Frontenac, Committee of Adjustment November 24, 2010

Resolution # 66

Moved by [Signature] Seconded by [Signature]

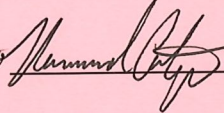
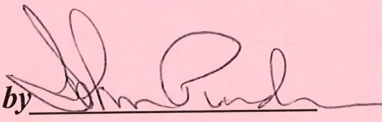
In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained 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-12-10, Pt. Lot 8, Concession 2 – Robert Patten to reduce the front yard setback (with shoreline frontage) from 30 metres to 23.7 metres to allow for an addition to be built to an existing dwelling be deferred to allow the committee the opportunity to consult with the municipality's planning consultant to review this application in further detail. +MVCA

Carried _____
Deferred _____
Refused _____

Chairperson [Signature]

Resolution # 67

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-13-10, Pt. Lot 29, Concession 5 – Brian Grady to reduce the front yard setback (with shoreline frontage) from 30 metres to ~~24.38~~ ^{26.5} metres to allow for an addition to be built to an existing dwelling be approved subject to the following conditions and reasons: ^{24.38}

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

1. 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.
2. Excavated material shall be disposed of well away from the lake.
3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring properties. 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.

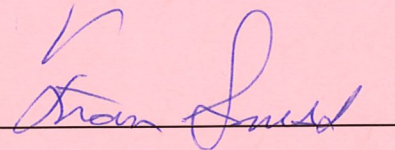
And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

FOR THE FOLLOWING REASONS:

- 1. The variance is minor because the impacts will not further negatively affect the environment as the addition is not going any closer to the water than the existing dwelling. It will also serve to maintain the shoreline.**
- 2. General intent is to maintain a reasonable setback given that 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.**

Carried _____
Deferred _____
Refused _____

Chairperson _____



Township of Central Frontenac, Committee of Adjustment November 24, 2010

Resolution # 68

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-14-10, Lot 14, Concession 1 – Joe Bradner to reduce the front yard setback (with shoreline frontage) from 30 metres to 10.5 metres to allow for the replacement of a cottage that was destroyed by fire 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. 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.
2. Excavated material shall be disposed of well away from the lake.
3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into 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.
5. That the KFL&A Public Health requirements regarding a gray water/leaching pit be complied with.

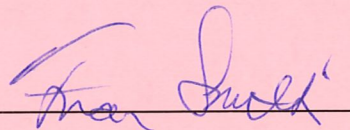
And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

FOR THE FOLLOWING REASONS:

- 1. The variance is minor because the impacts will not further negatively affect the environment as the replaced cottage will not go any closer to the water than the existing dwelling and in fact will be further back. It will also serve to maintain the shoreline.**
- 2. General intent is to maintain a reasonable setback given that this is an island property and there is no other location to build. The existing dwelling was 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 grey water/leaching pit system and the use is not changing.**

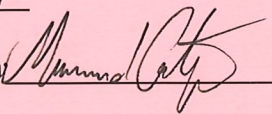
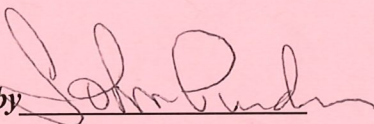
Carried _____
Deferred _____
Refused _____

Chairperson _____



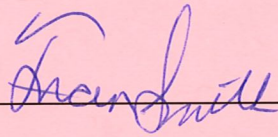
Township of Central Frontenac, Committee of Adjustment, November 24, 2010

Resolution # 69

Moved by  Seconded by 

That this meeting be adjourned until 6:00 p.m. December 15, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried _____
Deferred _____
Refused _____

Chairperson 



COMMITTEE OF ADJUSTMENT

WEDNESDAY OCTOBER 20, 2010

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 – September 17th (will be emailed and originals at meeting)
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - ✓ B-12-10-OL – Larry/ Nancy & Greg Thompson
Richard & Colleen Thompson – creation of a new lot
 - ✓ B-13-10-HI – Jerry Shea – creation of a new lot
 - ✓ B-14-10-HI – Jerry Shea – creation of a new lot
 - ✓ B-15-10-HI – David Gemmill – lot addition
- 7) Applications for minor variance:
 - ✓ A-10-10- Daniel & Margaret Keere - reduction from high water mark
 - ✓ A-11-10 – Gunars A. Gaikis – reduction from high water mark
 - ✓ A-12-10 – Robert Patten – reduction from high water mark
- 8) Other planning business – request to refund a portion of a minor variance application
– 1000 Island Concrete decision
- 9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes –October 20, 2010

Committee of Adjustment met on October 20, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

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

Public in attendance: Tom MacDonald, Gunars Gaikis, Mrs. Gaikis, Jerry Shea

In the absence of the Chair Frances Smith, Janet Gutowski sat as the chair for this evenings meeting. There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss four consent applications and three minor variance applications.

Resolution #50

***Moved by John Purdon Seconded by Phillip Smith
THAT the agenda be adopted as amended***

Carried

There were no minutes to approve at this meeting.

The first application being heard was consent application B-12-10-OL, Pt. Lot 8, Conc. 5, Larry, Nancy, Richard, Colleen and Greg Thompson. Tom MacDonald who is the agent for this application was present for the discussion.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. This parcel is being created as a new lot which meets the road frontage and lot size for a lot within the rural zone. Since the property is owned jointly with members of the same family the severed lot is going solely in the name of Larry and Nancy Thompson. There is an existing dwelling and garage located on the property. There is a wetland located on the retained parcel which has been undisturbed.

KFL&A Public Health had no objection to the proposed severance as there is an existing dwelling and septic system.

The Rideau Valley Conservation Authority mentioned that they reviewed the noted application although a site inspection was not undertaken they have no objections to the proposed severance as their mapping did not reveal any watercourses, water body or wetland in close proximity. They did note that the retained lot appears to have a small watercourse traversing it and this watercourse is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation pursuant to the Conservation Authorities Act. They further stated should there be any shoreline work proposed in the future on the retained portion of the property a permit would be required from them.

The committee approved this application with conditions.

Resolution #51

Moved by Phillip Smith

Seconded by John Purdon

That Severance Application B-12-10-OL, Pt. Lot 8, Conc.5, Larry, Nancy, Richard, Colleen and Greg Thompson 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

The next application heard was consent application B-13-10-HI, Pt. Lot 10, Conc. 2, Jerry Shea.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained the proposed consent application is being severed as a new lot which exceeds the required road frontage and lot size for a lot within the rural zone. The hydro transmission line runs along the back of the severed parcel and through the retained lands and will not affect the severed parcel as it already has a dwelling, septic system and barn on it.

Committee of Adjustment Minutes – October 20, 2010 - pg. 3

KFL&A Public Health conducted a site visit and as a result has no objections to the proposed severance as there is an existing dwelling and septic system.

Quinte Conservation Authority reviewed the application along with all pertinent information relating to the subject property, and reviewed the application with respect to the applicability of Ontario Regulation #319/09 and based on their review they have no objection to the approval of this application as presented. A portion of the subject lands lie within the regulated area of a tributary which drains into Cole Lake. The owners will need to apply to the Conservation Authority for a permit prior to development (construction/filling/site grading) within 30 metres of the tributary.

The committee approved the application with conditions.

Resolution #52

Moved by John Purdon

Seconded by Phillip Smith

That Severance Application B-13-10-HI, Pt. Lot 10, Conc. 2, Jerry Shea 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, Chapter P.13, as amended.*
- 6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

Committee of Adjustment Minutes – October 20, 2010 - pg. 4

The next application heard was consent application B-14-10-HI, Pt. Lot 10, Conc. 2, Jerry Shea.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained the proposed consent application is being severed as a new lot which exceeds the required road frontage and lot size for a lot within the rural zone. The hydro transmission line runs along the west side of the proposed lot. Access for this lot will be off Forty Foot road and public works has confirmed that there are a couple of acceptable locations for an entrance.

KFL&A Public Health conducted a site visit and as a result has no objections to the proposed severance.

Quinte Conservation Authority reviewed the application along with all pertinent information relating to the subject property, and reviewed the application with respect to the applicability of Ontario Regulation #319/09 and based on their review they have no objection to the approval of this application as presented. A portion of the subject lands lie within the regulated area of a tributary which drains into Cole Lake. The owners will need to apply to the Conservation Authority for a permit prior to development (construction/filling/site grading) within 30 metres of the tributary.

The committee approved the application with conditions.

Resolution #53

Moved by Phillip Smith

Seconded by John Purdon

That Severance Application B-14-10-HI, Pt. Lot 10, Conc. 2, Jerry Shea 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, Chapter P.13, as amended.***

Resolution #53 continued:

- 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 heard was consent application B-15-10-HI, Pt. Lot 21 & 22, Conc. 3, David Gemmill.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained the proposed consent application is being created as a lot addition and will be added to an existing lot of record owned by Ryan Seeds. This will increase the size of Seed's lot and allow them enough room to install a septic system.

KFL&A Public Health conducted a site visit and as a result has no objections to the proposed lot addition.

Rideau Valley Conservation Authority reviewed the application, although a site inspection was not undertaken. They supported the lot addition which will act to add lot area for a new septic system for the existing residential development.

Resolution #54

Moved by John Purdon

Seconded by Phillip Smith

That Severance Application B-15-10-HI, Pt. Lot 21 & 22, Conc. 3, David Gemmill 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.**

Resolution #54 continued:

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, Chapter P.13, as amended.*
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 bylaw under subsection 50 (4) deeming the whole or block not 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 heard was minor variance A-10-10, Daniel & Margaret Keere to reduce the front yard setback with shoreline frontage from 30 metres to 23 metres. This application was deferred at the last committee meeting to allow the staff and appropriate agencies to conduct their site visit which has not been completed.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application by explaining that the proposal is to construct a small addition to the side of an existing cottage to add two additional bedrooms. The septic system has been reevaluated by Public Health and is determined to be acceptable for the addition. The setback from the high water mark was measured to be 23 metres at the closest point. The reason for the variance is to provide additional space as far as possible from the waterfront taking into account that the existing cottage is within the 30 metre setback. The setback from the high water mark will not be further reduced. The existing cottage conforms to the established building line of the other cottages along this section of the shoreline.

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KFL&A Public Health conducted a site visit and as a result has no objections to the proposed minor variance.

Quinte Conservation Authority reviewed the application along with all pertinent information relating to the subject property, and reviewed the application with respect to the applicability of Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), the Federal Fisheries Act, and the natural hazard policy of the Provincial Policy Statement. Based on their review they do not object to the approval of this application as presented. They further stated that the subject lands lie within the regulated area of Bull Lake and the owners will need to apply to Quinte Conservation Authority for a permit prior to development (construction/filling/site grading) on the property, including the importation of material for the beach area, septic system upgrades and building additions.

The committee approved the application with conditions.

Resolution #55

Moved by John Purdon

Seconded by Phillip 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-10-10, Pt. Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the front yard setback (with shoreline frontage) from 30 metres to 23 metres to allow for an addition to be built to an existing dwelling 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. 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.**
- 2. Excavated material shall be disposed of well away from the lake.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**

Resolution #55 continued:

- 4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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 the presently cottage 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.**

Carried

The next application heard was minor variance A-11-10, Gunars Gaikis to reduce the front yard setback with shoreline frontage from 30 metres to 18.5 metres at the closest point.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application by explaining that the proposal is to replace an existing cabin with a new seasonal dwelling. The plans are to build the new structure in an L-shape around the present cabin. Their plans are to use the present cabin as accommodation while the new one is being built. Setbacks from the high water mark were measured and the closest point crosses the side property line and is 18.5 metres to the proposed structure. The area between the Westside of the proposed structure and shoreline is essentially bare rock. It is our opinion that the only realistic location for a new structure is on the footprint of the existing building because of the awkward shape of the lot and is the only way the setbacks can be maximized. Planning and Building Departments would support this application if it was amended to show the new building being built over the footprint area of the existing. This would allow a slight increase in floor area while maximizing the setback from the shoreline.

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KFL&A Public Health conducted a site visit and as a result indicated in their report that the applicant is to maintain 22 feet from the proposed dwelling to distribution pipe and 5 feet from the dwelling to septic tank. They have no objection to the proposed minor variance as the owner has submitted an application for review of performance level of existing on-site sewage system. Any changes to the dwelling an amended page 2 is required by Public Health.

Mississippi Valley Conservation Authority stated in their report that they are not in favor of the subject application. They mention that the existing structure is compliant with the minimum 30 metre water body setback; however the subject application proposes a decrease in this setback to 18.5 metres with a substantially larger structure. This would decrease the existing setback by more than 30% with a footprint of 2028 sq. ft. This is not considered minor, particularly given the size of the new structure which effectively doubles the footprint and places a significant portion within the water body setback. MVC recommends that the applicant demolish the existing cottage prior to construction of the replacement. This would allow the replacement structure to be situated in a similar location as the existing, relative to the lake. An increase in footprint could then be achieved by expanding in alternate directions; other than towards the lake. A copy of their full report is included in the file.

Mr. Gaikis addressed the committee by explaining his position. He mentioned that initially he considered and explored renovating/rebuilding on the existing footprint but realized that he would likely be without a place to stay for a couple of years while building.

He further stated that he is not in support of building on the same footprint as the current cottage is only 17 feet from the private road and he does not want to go any closer due to the dusty and noisy traffic that frequently goes by including that it simply would not be wise or practical to make the significant financial expenditure involved in building a good quality cottage within 20 feet of the actual road.

The committee discussed this proposal in more detail and explained that they feel that it is reasonable to build on the same footprint as the existing cottage meets the 30 metre setback according to the sketch/survey provided. It was also noted from the sketch/survey that the well is located on the private road.

The committee further indicated that if the dwelling was moved further south it would be more favorable even if it comes closer to the road allowance.

In light of the committee's suggestions they were not in favor of the location of the proposed new dwelling going closer to the high water mark and instructed Mr. Gaikis that they would defer his application to give him the opportunity to go back and review his options further regarding the location of the proposed new dwelling and to submit a revised sketch and application.

Resolution #56

Moved by Phillip Smith

Seconded by John Purdon

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-11-10, Pt. Lot 32, Concession 1 – Gunars A. Gaikis to reduce the front yard setback (with shoreline frontage) from 30 metres to 18.5 metres to allow for the replacement of a new dwelling be deferred to allow the applicant the opportunity to review their options further regarding the location of the proposed new dwelling and to submit a revised plan and application.

Carried

The next application heard was minor variance A-12-10, Robert Patten to reduce the front yard setback with shoreline frontage from 30 metres to 21.9 metres at the closest point.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application by explaining that the proposal is to construct an addition to an existing seasonal cottage to allow the use as a year round home. The proposed addition will have a building area of 126.4 sq metres (1360 sq feet). Setbacks from the high water mark were measured and the closest point is 21.9 metres to the proposed addition. The area for the proposed structure is essentially level but lumpy bedrock which drops off sharply towards the lake. In spite of the steep slope the bedrock is stable.

The original cottage is not parallel to the shoreline making the proposed addition closer to the high water mark on the north side. It is noted by the staff that this is the only practical location due to the configuration of the bedrock and the location of the septic system. As indicated by the Ian Trickett, Chief Building Official the bedrock does not allow for a basement so part of the footprint area will be used for a utility room to locate all the services that are normally housed in a basement.

KFL&A Public Health have requested a deferral as they require further information from the homeowner as the septic system may have to be upgraded depending on the number of bedrooms proposed.

Mississippi Valley Conservation Authority stated in their report that they are not in favor of the subject application. They mention that the existing structure is compliant with the minimum 30 metre water body setback; however the subject application proposes a decrease in this setback to 19-20 metres with a substantially addition.

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This would decrease the existing setback by approximately 30% with a 2-storey addition measuring 1360 sq. ft. in footprint. This is not considered minor, particular given the size of the addition which effectively doubles the footprint and places it entirely within the water body setback. However, we recognize that there is currently no other location for the proposed addition due to the location of the existing well and septic system. Therefore, MVC would be willing to support a reduced increase in footprint to a maximum of 50% of that proposed. This decrease should be achieved in a way that effectively decreases the proposed encroachment into the water body setback. A copy of their full report is included in the file.

The committee reviewed this proposal along with the sketch and mentioned that this is not considered minor and have agreed to defer this application to allow Mr. Patten the opportunity to re-think his design and come back with a revised sketch.

Mr. Patten was not in attendance for the hearing.

Resolution #57

Moved by Phillip Smith

Seconded by John Purdon

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-12-10, Pt. Lot 8, Concession 2 – Robert Patten to reduce the front yard setback (with shoreline frontage) from 30 metres to 21.9 metres to allow for an addition to be built to an existing dwelling be deferred to allow the applicant the opportunity to review his options regarding the size of the proposed addition and the comments from the Mississippi Valley Conservation Authority and to submit further information to the KFL&A Public Health.

Carried

The next item of business was a request from Donald and Eileen Grekul who are requesting a refund of a portion of their minor variance application fee as they withdrew their application on the comments received from the Ministry of Environment.

Cathy mentioned that if the sketch had been more exact of what was on the ground staff would not have recommended them going forth with their application. Therefore, staff is recommending to the committee that a portion of the application fee be refunded to the Grekul's and that this amount be \$200.00.

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Resolution #58

Moved by Robert Harvey

Seconded by Phillip Smith

That the Committee of Adjustment approves the request of Donald and Eileen Grekul to refund a portion of their minor variance application fee and that this amount be \$200.00.

Carried

Resolution #59

Moved by Phillip Smith

Seconded by John Purdon

That this meeting be adjourned until 6:00 p.m. November 24, 2010 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for October 20, 2010
(Sharbot Lake)

Resolution # 50

Moved by *John Purdon* Seconded by *Della A*

THAT the agenda be adopted as

Presented _____

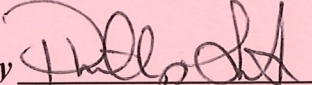
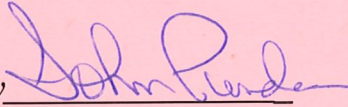
Amended *✓*

Carried *✓*
Deferred _____
Refused _____

Chairperson *[Signature]*

Township of Central Frontenac, Committee of Adjustment October 20, 2010

Resolution # 51

Moved by  Seconded by 

That Severance Application B-12-10-OL, Pt. Lot 8, Conc. 5, Larry, Nancy, Richard, Colleen and Greg Thompson be approved subject to the following conditions:

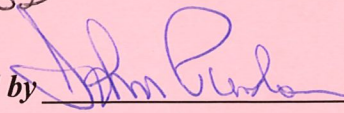
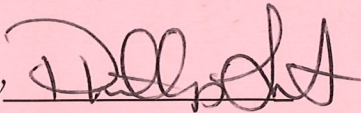
1. ***That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the lands shall be submitted to the Secretary-Treasurer for review and consent endorsement, within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of 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 

Township of Central Frontenac, Committee of Adjustment October 20, 2010

Resolution # 52

Moved by  Seconded by 

That Severance Application B-13-10-HI, Pt. Lot 10, Conc. 2, Jerry Shea 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, Chapter P.13, as amended.***
- 6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

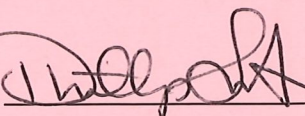
✓
Carried _____
Deferred _____
Refused _____


Chairperson

Township of Central Frontenac, Committee of Adjustment October 20, 2010

Resolution # 53

Moved by



Seconded by

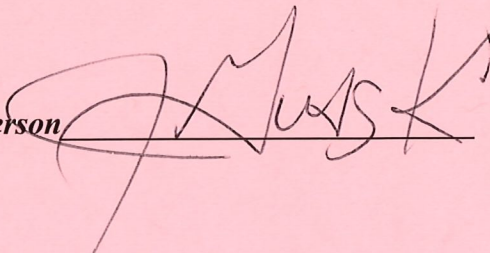


That Severance Application B-14-10-HI, Pt. Lot 10, Conc. 2, Jerry Shea be approved subject to the following conditions:

- 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, Chapter P.13, 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.***
- 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 _____

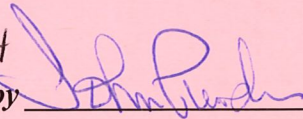
Chairperson



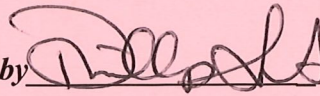
Township of Central Frontenac, Committee of Adjustment October 20, 2010

Resolution # 54

Moved by



Seconded by



That Severance Application B-15-10-HI, Pt. Lot 21 & 22, Conc.3, David Gemmill 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, Chapter P.13, as amended.***
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 bylaw 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

Township of Central Frontenac, Committee of Adjustment October 20, 2010

Severance Application B-15-10-HI, Pt. Lot 21 & 22, Conc.3, David Gemmill

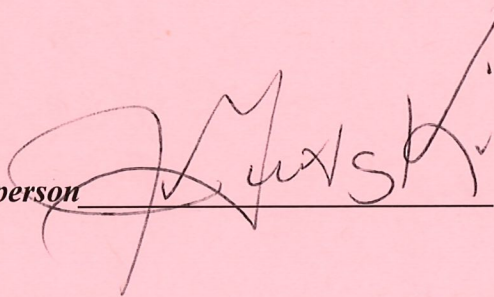
Resolution # 6 continued:

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 _____
Deferred _____
Refused _____


Chairperson _____



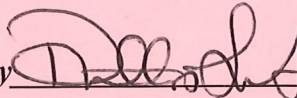
Township of Central Frontenac, Committee of Adjustment October 20, 2010

Resolution # 55

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-10-10, Pt. Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the front yard setback (with shoreline frontage) from 30 metres to 23 metres to allow for an addition to be built to an existing dwelling 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. 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.**
- 2. Excavated material shall be disposed of well away from the lake.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring properties. 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.**

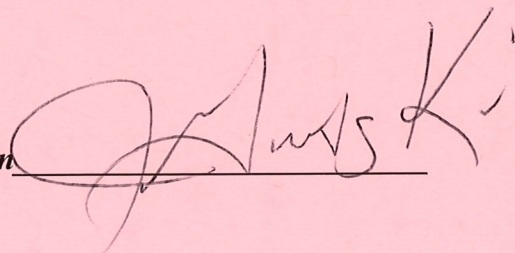
And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

FOR THE FOLLOWING REASONS:

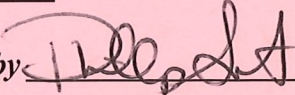
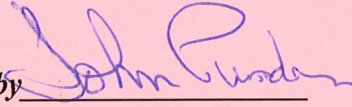
- 1. The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will not encroach any further into the 30 metre setback than the present cottage. It will also serve to maintain or improve the shoreline.**
- 2. General intent is to maintain a 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.**

Carried ✓
Deferred _____
Refused _____

Chairperson _____



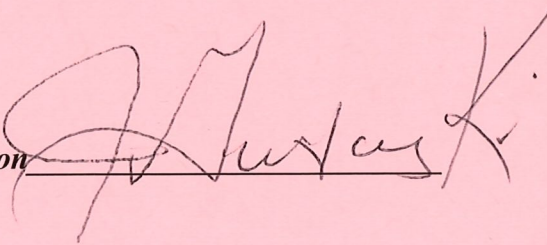
Resolution # 56

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.

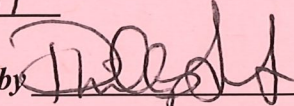
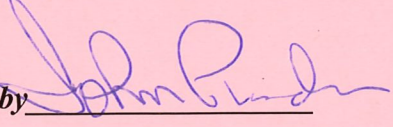
THAT Minor Variance Application A-11-10, Pt. Lot 32, Concession 1 – Gunars A. Gaikis to reduce the front yard setback (with shoreline frontage) from 30 metres to 18.5 metres to allow for the replacement of a new dwelling be deferred to allow the applicant the opportunity to review their options further regarding the location of the proposed new dwelling and to submit a revised plan and application.

Carried
 Deferred
 Refused

Chairperson 

Township of Central Frontenac, Committee of Adjustment October 20, 2010

Resolution # 51

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-12-10, Pt. Lot 8, Concession 2 – Robert Patten to reduce the front yard setback (with shoreline frontage) from 30 metres to 21.9 metres to allow for an addition to be built to an existing dwelling be deferred to allow the applicant the opportunity to review his options regarding the size of the proposed addition and the comments from the Mississippi Valley Conservation Authority and to submit further information to the KFL&A Public Health.

Carried
Deferred
Refused

Chairperson 

Township of Central Frontenac, Committee of Adjustment October 20, 2010

Resolution # 58

Moved by Robert L. Harvey Seconded by [Signature]

That the Committee of adjustment approves the request of Donald and Eileen Grekul to refund a portion of their minor variance application fee and further that this amount be \$200.00.

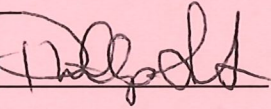
Carried
Deferred _____
Refused _____

Chairperson [Signature]

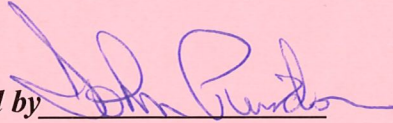
Township of Central Frontenac, Committee of Adjustment, October 20, 2010

Resolution # 59

Moved by



Seconded by



24

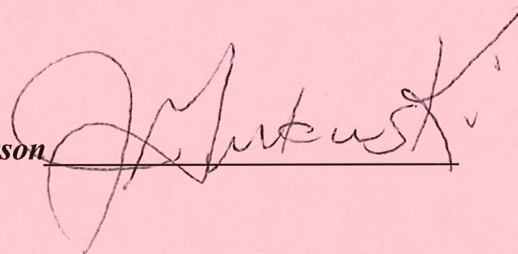
That this meeting be adjourned until 6:00 p.m. November 24, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried

Deferred

Refused

Chairperson





COMMITTEE OF ADJUSTMENT

WEDNESDAY SEPTEMBER 15, 2010

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 – July (will be emailed and originals at meeting)**
- 5) **Unfinished/Old business and business arising from the minutes**
- 6) **Applications for consent:**

B-10-10-HI– Tom Karlson – a lot addition

B-11-10-⁰⁵OL – Juergen Reinecke – creation of a new lot

- 7) **Applications for minor variance:**

A-9-10- Donald R. Grekul reduction from high water mark – *withdraw*

A-10-10- *Daniel & Margaret Keere - defer*

- 8) **Other planning business**
- 9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes –September 15, 2010

Committee of Adjustment met on September 15, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Phillip Smith, John Purdon, Normand Guntensperger, Janet Gutowski

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

Public in attendance: Juergen Reinecke and Heike Reinecke

Chair Frances Smith called the meeting to order at 6:00 p.m. There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss two consent applications and two minor variance applications.

Resolution #44

***Moved by Phillip Smith Seconded by John Purdon
THAT the agenda be adopted as amended***

Carried

Resolution #45

***Moved by John Purdon Seconded by Phillip Smith
That the minutes of June 16, 2010 be adopted as amended.***

Carried

The first application being heard was consent application B-10-10-HI, Pt. Lot 26, Conc. 2, Tom Karlson.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. This parcel is being created as a lot addition and will be added to an existing undersized waterfront lot owned by Mary Ritter. The severed parcel is 0.869 ha (2.14 ac) and by adding this to the existing lot it will increase the size to 1.33 ha (3.3 ac) which conforms to the Official Plan and Zoning By-law. The Ritter's also own the lot to the east. The severed lot will have to be changed from Rural to Waterfront Residential and will be completed during the updating of our zoning by-law which is well underway. In speaking with Glenn Tunnock he feels it meets the intent of the Official Plan.

KFL&A Public Health had no objections to the proposed lot addition. The Rideau Valley Conservation Authority also had no objection to the lot addition as the property receiving the addition is already developed.

A letter was received by Gerard Laarhuis and Jo-Ann Connolly who are adjacent landowners. They pointed out that part of their cottage driveway traverses a portion of the proposed lot addition.

Committee of Adjustment Minutes – September 15, 2010 - pg. 2

Mr. Laarhuis and Ms. Connolly indicated that they had no objection to the proposed lot addition, only that it reflect that they continue to have a right of way over this parcel of property as it has been in existence since at least 1959 and was referred to in prior deeds but was not surveyed until May 26, 2010.

There was a discussion regarding the right-of-way. Cathy mentioned that the status of the right of way will not change and Mr. Laarhuis and Ms. Connolly will continue to have a right of way over the private lane known as South Shore Lane and the parcel which is their driveway as described in their deed.

Mr. Karlson was not present for the discussion.

The committee approved this application with conditions.

Resolution #46

Moved by Normand Guntensperger

Seconded by Phillip Smith

That Severance Application B-10-10-HI, Pt. Lot 26, Conc. 2, Tom Karlson 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, Chapter P.13, as amended.*
- 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:

Resolution #46 continued:

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 applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the zoning amendment are the responsibility of the applicant.***
- 8. Ensure that the legal description states the pre-existing rights of way.***
- 9. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

Carried

The next application heard was consent application B-11-10-OS, Pt. Lot 27 & 28, Conc. 6, Juergen Reinecke.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained the proposed consent application is being severed as a new lot which exceeds the road frontage and lot size for a lot within the rural zone. There is an existing dwelling and barn located on the property. There is a wetland which is located on the boundary between the severed and retained parcels which has been undisturbed. There is an MX zone located on the adjacent property which was an active pit at one time but is no longer being used and has not been licensed under the new requirements of the Aggregate Resources Act. There are a couple of MDI points on adjacent properties as shown on our mapping which also does not affect the subject lands as the dwelling has existed for a number of years.

KFL&A Public Health conducted a site visit and as a result has no objections to the proposed severance as there is an existing dwelling and septic system.

Mississippi Valley Conservation Authority provided comments on September 8, 2010 and stated that the applicant proposes to sever a 30-ha parcel of land with an existing residence and retain a vacant 42-ha parcel. According to a review of available GIS mapping, a tributary of Bolton Creek travels through the proposed severed and retained lands. In addition, several unclassified wetlands exist on both the severed and retained lands.

The resulting lots meet with the current minimum area and frontage requirements set out in the Township of Central Frontenac's Zoning By-law.

Committee of Adjustment Minutes – September 15, 2010 - pg. 4

In addition, sufficient area appears to exist on the proposed retained lands to locate further development in an area that complies with the zoning by-laws and various setback requirements. The proposed severed lands are already developed and no new development is proposed at this time.

With all of this in consideration MVC does not object to the subject application but suggests that any future development that a minimum 30 metre setback from the seasonal high water mark of the unclassified wetlands and the tributary shall be maintained for future structures and a septic system. They also mention that the shoreline vegetation surrounding the wetlands and the tributary shall be retained and development shall be directed outside of these areas.

The committee approved the application with conditions.

Resolution #47

Moved by Phillip Smith

Seconded by John Purdon

That Severance Application B-11-10-OS, Pt. Lot 27 & 28, Conc. 6, Juergen Reinecke 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, Chapter P.13, as amended.***
- 6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

Carried

Committee of Adjustment Minutes – September 15, 2010 - pg. 5

The next application was minor variance A-9-10, Donald R. Grekul. Cathy informed the committee that Mr. Grekul withdrew his application since the Ministry of Environment indicated that they do not support his variance for an addition to the cottage as no development or disturbance of soils and vegetation can occur within 30 metres of Eagle Lake. They further stated that this is important to protect the water quality of all water bodies and especially in this case since Eagle Lake is at capacity for development.

The next minor variance application was A-10-10, Daniel & Margaret Keere to reduce the front yard setback with shoreline frontage from 30 metres to 23 metres. Cathy suggested to the committee that this application be deferred to allow the staff and appropriate agencies the opportunity to complete the necessary site visit.

The committee approved the request to defer.

Resolution #48

Moved by John Purdon

Seconded by Phillip 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-10-10, Pt. Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the front yard setback (with shoreline frontage) from 30 metres to 23 metres be deferred to allow the staff and the appropriate agencies the opportunity to complete their site visits.

Resolution #49

Moved by Phillip Smith

Seconded by John Purdon

That this meeting be adjourned until 6:00 p.m. October 20, 2010 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

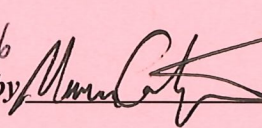
Chairperson

Secretary-Treasurer

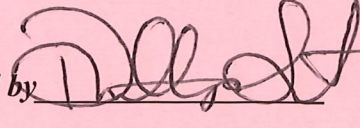
Township of Central Frontenac, Committee of Adjustment September 15, 2010

Resolution # 4/b

Moved by



Seconded by



That Severance Application B-10-10-HI, Pt. Lot 26, Conc. 2, Tom Karlson 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, Chapter P.13, as amended.***
- 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 applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the zoning amendment are the responsibility of the applicant.*
- 8. Ensure that the legal description states the pre-existing rights of way.*
- 9. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Man Smith

Township of Central Frontenac, Committee of Adjustment September 15, 2010

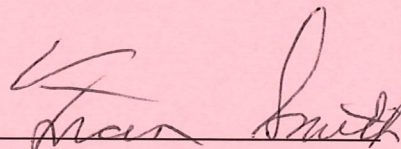
Resolution # 47

Moved by  Seconded by 

That Severance Application B-11-10-OS, Pt. Lot 27 & 28, Conc. 6, Juergen Reinecke 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, Chapter P.13, as amended.***
- 6. 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 15, 2010

Resolution # 48

Moved by [Signature] Seconded by [Signature]

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-10-10, Pt. Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the front yard setback (with shoreline frontage) from 30 metres to 23 metres be deferred to allow the staff and the appropriate agencies the opportunity to complete their site visits

Carried ✓
Deferred _____
Refused _____

Chairperson [Signature]

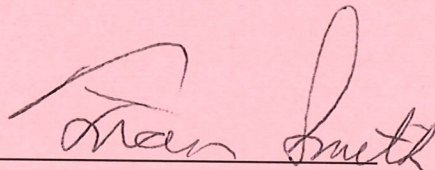
Township of Central Frontenac, Committee of Adjustment, September 15, 2010

Resolution # 49

Moved by  Seconded by 

That this meeting be adjourned until 6:00 p.m. October 20, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried
Deferred _____
Refused _____

Chairperson 



COMMITTEE OF ADJUSTMENT

WEDNESDAY JULY 21, 2010

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-02-10-OL – John R & Nancy Miller – a lot addition

B-05-10-OL – Vicmac Holdings Inc. – granting a right of way over an existing private lane

B-06-10-OL – Maude E. MacLean Estate – granting a right of way over an existing private lane

B-07-10-HI – Dale Meeks – creation of a new lot

B-08-10-HI – Dale Meeks – creation of a new lot

B-09-10-HI – Wesley Haddock – creation of a new lot

- 7) Applications for minor variance:

A-7-09- David Connelly – reduction from high water mark (previously deferred)

A-5-10 – Frank & Belinda Ieraci – reduction from high water mark

A-8-10 – Timothy Enright – reduction from high water mark

- 8) Other planning business
- 9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes – July 21, 2010

Committee of Adjustment met on July 21, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, William Snyder, Norman Guntensperger, Janet Gutowski

Absent: Robert Harvey, John Purdon, Gary Smith, Phillip Smith

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

Public in attendance: Tom MacDonald, Dale Meeks, John Miller, David Enright, David Connelly

Chair Frances Smith called the meeting to order at 6:00 p.m. There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss six consent applications and two minor variance applications.

Resolution #33

Moved by Jeff Matson Seconded by W.P. Snyder

THAT the agenda be adopted as presented

Carried

The first application being heard was consent application B-02-10-OL, Pt. Lot 8, Conc. 9, John R. & Nancy Miller.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. This parcel is being created as a lot addition which will be added to an existing lot of record which meets the required road frontage and lot size for a lot within the rural zone. The reason this is being added to an existing lot is even though the severed parcel has frontage on the Tryon Road it would be impossible to construct an entrance as the wetland encompasses a huge part of the severed lands including the portion near the road. KFL&A Public Health along with Mississippi Valley Conservation Authority have no objections to this lot addition.

Mr. Miller was present for the discussion.

The committee approved this application with conditions.

Committee of Adjustment Minutes – July 21, 2010 pg. 2

Resolution #34

Moved by W.P. Snyder

Seconded by Jeff Matson

That Severance Application B-02-10-OL, Pt. Lot 8, Conc. 9, John R. & Nancy Miller 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:*

Committee of Adjustment Minutes – July 21, 2010 pg. 3

Resolution #34 continued:

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 next application heard was consent application B-05-10-OL, Lots 13, 14, 15, Conc. 8 – VicMac Holdings Inc.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained that it is to grant a right of way over an existing private lane known as Empire Lane to a parcel of land that is owned by VicMac Holdings in concession 9. The parcel requiring the right of way presently does not have legal access over Empire Lane. KFL&A Public Health along with Mississippi Valley Conservation Authority was not circulated this application as it is only to grant a right of way over an existing right of way.

Tom MacDonald who is the agent for VicMac Holdings and Maude MacLean Estate was present for the discussion for both applications.

The committee approved the application with conditions.

Resolution #35

Moved by Jeff Matson

Seconded by W.P. Snyder

That Severance Application B-05-10-OL, Lots 13, 14, 15, Conc. 8, Vicmac Holdings Inc. be approved subject to the following conditions:

Committee of Adjustment Minutes - July 21, 2010 pg. 4

Resolution #35 continued:

- 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

The next application heard was consent application B-06-10-OL, Lots 13, Conc. 8 & 9 – Maude E. MacLean Estate.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained that it is to grant a right of way over an existing private lane known as Point Lane to a parcel of land owned by VicMac Holdings. The parcel requiring the right of way presently does not have legal access over Point Lane. KFL&A Public Health along with Mississippi Valley Conservation Authority was not circulated this application as it is only to grant a right of way over an existing right of way.

The committee approved the application with conditions.

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Resolution #36

Moved by W.P. Snyder

Seconded by Jeff Matson

That Severance Application B-06-10-OL, Lot 13, Conc. 8 & 9, Maude E. MacLean Estate 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

The next two applications heard were B-07-10-HI and B-08-10-HI, Lot 25. Conc. 4 – Dale Meeks were discussed together.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer went through both applications with the committee explaining that both applications are to create two new lots which meet the required road frontage and lot size for a lot within the rural zone. Application B-07-10-HI has an existing field entrance which is not suitable because it is too close to the corner and therefore it was recommended by the Public Works Manager that a new entrance be located further to the west and closer to the other proposed lot – B-08-10-HI. The entrance for B-08-10-HI is also an existing field entrance which has been deemed suitable by the Public Works Manager. He recommended that 400 mm culvert be installed at this entrance which comes off the Long Lake Road.

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Cathy also mentioned that there is a barn on the retained lands which is being used as storage and is considered unsuitable to house livestock by Ian Trickett, Chief Building Official. The barn is located 100 metres from the proposed new lots. KFL&A Public Health along with Rideau Valley Conservation Authority had no objection to the proposed new lots.

Dale Meeks was present for the discussion.

The committee approved both applications with conditions.

Resolution #37

Moved by Jeff Matson

Seconded by W.P. Snyder

That Severance Application B-07-10-HI, Lot 25, Conc. 4, Dale Meeks 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.

Resolution #37 continued:

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

Carried

Resolution #38

Moved by W.P. Snyder

Seconded by Jeff Matson

That Severance Application B-08-10-HI, Lot 25, Conc. 4, Dale Meeks 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.*

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Resolution #38 continued:

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 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:*

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

Carried

The last consent application heard was B-09-10-HI, Lot 12 & 13, Conc. 5 – Wayne Haddock.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through this application which is being created as a new lot which meets the required road frontage and lot size for a lot within the rural zone. The lot is well treed and is considered farm land. This lot was previously a separate lot but merged in title and now Mr. Haddock would like to separate this back to its original status. The KFL&A Public Health along with Quinte Conservation Authority have no objection to this application. The committee approved this application with conditions.

Resolution #39

Moved by Jeff Matson

Seconded by W.P. Snyder

That Severance Application B-09-10-HI, Lot 12 & 13, Conc. 5, Wesley Haddock be approved subject to the following conditions:

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Resolution #39 continued:

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 where in the owner will:
 - i) *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 confirmation is filed with each application that conditions have been fulfilled to the municipality's satisfaction.*

Carried

The first minor variance application heard was A-7-09, Pt. Lot 28, Concession 5 – David Connelly which is to reduce the front yard setback with shoreline frontage from 30 metres to 12.8 metres and 30 metres to 25 metres respectively to allow for an addition to be built to an existing dwelling and for the installation of a new septic system.

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Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application by explaining that this application was deferred in January 2010 to allow the applicant to consult with the KFL&A Public Health to confirm the measurement from the proposed addition to the septic bed as it may be to close.

On June 2, 2010 the applicant filed a revised minor variance application to include the new septic bed on the application as it does not meet the 30 metre setback from the high water mark. In consulting with Public Health it was determined that the existing septic bed was too close to the proposed addition. The applicant decided to install a new bed in a different location behind the dwelling which meets the required 5 metre setback.

Cathy further mentioned that a letter has been received from Mr. Eaton who is the neighbouring property owner who is strongly opposing any further development of this property (Connelly) that borders his property. He mentions that shortly after the present owners took possession that a very large garage suddenly appeared very close to his property line, severely limiting his view which indicated to him a total lack of concern for their neighbors. The garage is 1.21 metres (4 feet) from the side lot line (property line) and therefore complies with the provisions of the Waterfront Residential Zone of 1 metre (3.28 ft).

Ian Trickett, Chief Building Official mentioned that the proposed addition is to the side of the existing dwelling which is 11.7 metres (38.5 feet) from the property line and is to the rear of the Eaton cottage. Therefore, this addition will not obstruct the view anymore than the existing cottage does. KFL&A Public Health along with Rideau Valley Conservation Authority has no objection to the minor variance.

Mr. Connolly was present for the discussion. The committee approved the application with conditions.

Resolution #40

Moved by W.P. Snyder

Seconded by Jeff Matson

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.

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Resolution #40 continued:

THAT Minor Variance Application A-7-09, Pt. Lot 28, Concession 5 – David Connelly to reduce the front yard setback (with shoreline frontage) from 30 metres to 12.8 metres and 30 metres to 25 metres respectively to allow for an addition to be built to an existing dwelling and for the installation of a new septic system 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. 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.**
- 2. Excavated material shall be disposed of well away from the water.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. 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 not encroach any further into the 30 metre setback than the present dwelling 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.**

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Please note that the written approval of the Rideau Valley Conservation Authority pursuant to Ontario Regulation 174/06 is required prior to any altering, straightening, changing, diverting or interfering in any way with the shoreline of Long Lake.

Carried

The second minor variance application heard was A-5-10, Pt. Lot 7, Concession 5 – Frank & Belinda Ieraci which is to reduce the front yard setback with shoreline frontage from 30 metres to 11.8 metres to allow for an addition to be built to an existing cottage.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained that the proposal is to construct a small addition to the rear of an existing cottage for addition living space. A new septic system is being installed at the same time. The setback from the high water mark was measured to be 9.75 metres at the closest point. The intent is to provide additional living space as far as possible from the waterfront taking into account that the existing cottage is within the 30 metre setback. It should be noted that this cottage conforms to the established building line of the other cottages along this section of the shoreline. KFL&A Public Health along with Quinte Conservation Authority has no objection to the minor variance.

Resolution #41

Moved by Jeff Matson

Seconded by W.P. Snyder

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-5-10, Pt. Lot 7, Concession 5 – Frank & Belinda Ieraci to reduce the front yard setback (with shoreline frontage) from 30 metres to 11.8 metres to allow for an addition to be built to an existing cottage be approved subject to the following conditions and reasons:

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

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Resolution #41 continued:

1. Sediment control measures shall be implemented throughout the construction process to prevent soils going into the lake (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.
2. Excavated material shall be disposed of well away from the water.
3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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 not encroach any further into the 30 metre setback than the present dwelling 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.

Carried

The final application heard was minor variance application A-8-10, Pt. Lot 9, Concession 2 – Timothy Enright (Executor) which is to reduce the front yard setback with shoreline frontage from 30 metres to 15 metres to allow for the replacement of a deck.

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Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained that this application is to replace an existing deck to the water front side of the cottage as it is unsafe.

The proposal also includes a deck to the side which will lead directly to grade at the rear of the cottage. According to the zoning by-law a patio or sun deck can project 3.0 metres into the front yard and since this deck is going beyond this width by approximately 3 metres a variance was required. KFL&A Public Health and Mississippi Valley Conservation Authority had no objections to the minor variance.

Resolution #42

Moved by W.P. Snyder

Seconded by Jeff Matson

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-8-10, Pt. Lot 9, Concession 2 – Timothy Enright(Executor) to reduce the front yard setback (with shoreline frontage) from 30 metres to 15 metres to allow for the replacement of a deck on the waterside and a new deck on the west side of the existing dwelling.

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

- 1. 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.**
- 2. Excavated material shall be disposed of well away from the water.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. 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.**

Resolution #42 continued:

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 not encroach any further into the 30 metre setback than the present dwelling exists. It will also serve to maintain or improve the shoreline.**
- 2. The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will not encroach any further into the 30 metre setback than the present dwelling exists. It will also serve to maintain or improve the shoreline.**
- 3. 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.**
- 4. 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.**
- 5. 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

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Resolution #43

Moved by Jeff Matson

Seconded by W.P. Snyder

That this meeting be adjourned until 6:00 p.m. August 18, 2010 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for July 21, 2010
(Sharbot Lake)

Resolution # 33

Moved by Jesse Melton Seconded by W.P. Snyder

THAT the agenda be adopted as

Presented ✓

Amended _____

Carried ✓
Deferred _____
Refused _____

Chairperson Alan Smith

Resolution # 34

Moved by W.P. Snyder Seconded by Jeff Mutsaers

That Severance Application B-02-10-OL, Pt. Lot 8, Conc. 9, John R. & Nancy Miller 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 Frank Smith

Resolution # 35

Moved by J. Johnson Seconded by W.P. Snyder

That Severance Application B-05-10-OL, Lots 13, 14, 15, Conc. 8, Vicmac Holdings Inc. 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 ✓
Deferred _____
Refused _____

Chairperson Mark Smith

Resolution # 3b

Moved by W. P. Snyder Seconded by Jeff Matson

That Severance Application B-06-10-OL, Lot 13, Conc. 8 & 9, Maude E. MacLean Estate 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
Deferred _____
Refused _____

Chairperson Frank Smith

Township of Central Frontenac, Committee of Adjustment July 21, 2010

Resolution # ~~30~~ 31

Moved by Jeff Winters Seconded by W.P. Snyder

That Severance Application B-07-10-HI, Lot 25, Conc. 4, Dale Meeks 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 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:*
 - i) *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.*

Resolution # 38

Moved by W.P. Snyder Seconded by Jeff Mulson

That Severance Application B-08-10-HI, Lot 25, Conc. 4, Dale Meeks 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 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:***
 - i) ***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 confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Alan Smith

Township of Central Frontenac, Committee of Adjustment July 21, 2010

Resolution # 39

Moved by J. R. M. J. J. J. Seconded by W. P. Snyder

That Severance Application B-09-10-HI, Lot 12 & 13, Conc. 5, Wesley Haddock 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 where in the owner will:
 - i) *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 confirmation is filed with each application that conditions have been fulfilled to the municipality's satisfaction.*

Carried
Deferred _____
Refused _____

Chairperson _____

W. P. Snyder

Resolution # 40

Moved by W.P. Smyler Seconded by Jeff Mubor

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-7-09, Pt. Lot 28, Concession 5 – David Connolly to reduce the front yard setback (with shoreline frontage) from 30 metres to 12.8 metres and 30 metres to 25 metres respectively to allow for an addition to be built to an existing dwelling and for the installation of a new septic system 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. 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.**
- 2. Excavated material shall be disposed of well away from the water.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. 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 not encroach any further into the 30 metre setback than the present dwelling 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.

Please note that the written approval of the Rideau Valley Conservation Authority pursuant to Ontario Regulation 174/06 is required prior to any altering, straightening, changing, diverting or interfering in any way with the shoreline of Long Lake.

Carried
Deferred _____
Refused _____

Chairperson Frank Smith

Resolution # 41

Moved by Jeff Mutton Seconded by W.P. Snyder

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-5-10, Pt. Lot 7, Concession 5 – Frank & Belinda Ieraci to reduce the front yard setback (with shoreline frontage) from 30 metres to 11.8 metres to allow for an addition to be built to an existing cottage 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. Sediment control measures shall be implemented throughout the construction process to prevent soils going into the lake (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.**
- 2. Excavated material shall be disposed of well away from the water.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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 not encroach any further into the 30 metre setback than the present dwelling 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.

Carried ✓
Deferred
Refused

Chairperson *Walter Smith*

Resolution # 42

Moved by W.P. Snyder Seconded by Jeff Metzow

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-8-10, Pt. Lot 9, Concession 2 – Timothy Enright(Executor) to reduce the front yard setback (with shoreline frontage) from 30 metres to 15 metres to allow for the replacement of a deck on the waterside and a new deck on the west side of the existing dwelling.

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

- 1. 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.**
- 2. Excavated material shall be disposed of well away from the water.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. 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 not encroach any further into the 30 metre setback than the present dwelling exists. It will also serve to maintain or improve the shoreline.**
- 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. 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.**

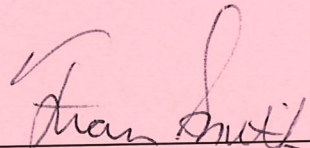
There is no regulated flood plain area located on the property. However, the property owner should be advised that in the event that shoreline work is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations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

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

Carried ✓
Deferred _____
Refused _____

Chairperson _____



Township of Central Frontenac, Committee of Adjustment July 21, 2010

Resolution # 43

Moved by Jeff Mulson Seconded by A. P. Snyder

That this meeting be adjourned until 6:00 p.m. August 18, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried
Deferred
Refused

Chairperson Ken Smith



COMMITTEE OF ADJUSTMENT

WEDNESDAY JUNE 16, 2010

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** - *at the meeting*
- 5) **Unfinished/Old business and business arising from the minutes**
- 6) **Applications for consent:**
 - B-03-10-OL – Vernon Scott – creation of a new lot**
 - B-04-10-OS – Gordon Beattie – granting a right of way to an adjacent lot**
- 7) **Applications for minor variance:**
 - A-4-10- Susan Daly– reduction from high water mark**
 - A-6-10 – Ed Thomas – reduction from high water mark**
 - A-7-10 – Scott Henderson – reduction from high water mark**
- 8) **Other planning business** - *right of access*
- 9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – June 16, 2010

Committee of Adjustment met on June 16, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Normand Guntensperger, Phillip Smith, Robert Harvey, John Purdon, Janet Gutowski and Gary Smith

Absent: Bill Snyder, Jeff Matson

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

Public in attendance: Tom MacDonald, Michael Wright, Keilan Kelsey, Ed Thomas, Gordon and Bonnie Beattie.

Chair Frances Smith called the meeting to order at 6:00 p.m. There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss two consent applications and two minor variance applications.

Resolution #25

Moved by Janet Gutowski Seconded by John Purdon

THAT the agenda be adopted as presented.

Carried

Resolution #26

Moved by Jeff Matson Seconded by Janet Gutowski

THAT the minutes of May 19, 2010 be adopted as presented.

Carried

The first application being heard was consent application B-03-10-OL, Pt. Lot 9, Conc. 6, Vernon and Dianne Scott. The proposed consent application is to create a new lot on the O'Reilly Lake Lane which meets the required road frontage and lot size for a lot within the rural zone. Also, this lot would be considered as in fill on an existing private lane.

The committee did raise a question regarding whether or not a right of way over the O'Reilly Lake Lane should be included as a condition of the consent. There was a brief discussion and it was decided to include it as a condition.

The committee approved the application with conditions.

Resolution #27

Moved by Phillip Smith Seconded by John Purdon

That Severance Application B-03-10-OL, Pt. Lot 9, Conc. 6, Vernon & Dianne Scott 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.**All costs associated with the development agreement including preparation and registration is the responsibility of the applicant.**
- 7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.**

Carried

Township of Central Frontenac, Committee of Adjustment - June 16, 2010 pg. 3

The next application was B-04-10-OS, Pt. Lot 8, Conc. 1, Gordon & Bonita Beattie. The proposed consent application is to grant a right of way over two existing rights of way.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer explained the application in further details outlining that the existing rights of way were created in 1976 and 1981 and have been used as access to the parcel of land that the dwelling is located on.

Resolution #28

Moved by John Purdon Seconded by Phillip Smith

That Severance Application B-04-10-OS, Pt. Lot 8, Conc. 1, Gordon & Bonita Beattie 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

Township of Central Frontenac, Committee of Adjustment - June 16, 2010 pg. 4

The next application heard was minor variance application A-4-10, Pt. Lot 13, Conc. 9 – Susan Daly to reduce the front yard setback with shoreline frontage from 30 metres to 12.1 metres at the closest point for an addition to be built to the rear of the existing cottage and 30 metres to 22.8 metres for the installation of a new septic system.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and Ian Trickett Chief Building Official confirmed that the addition will be located at the rear of the existing cottage and the setbacks from the high water mark will be maximized. A new septic system will also be installed and will be located at a distance of approximately 27 metres from the high water mark.

The committee reviewed the aerial photo which was hard to see due to the shadows and tree cover. Keilan Kelsey agent for Ms. Daly along with Michael Wright provided some history of the lot. The committee expressed concerns regarding undersized lots such as these on seasonal roads. The committee but did approve the application with conditions.

Resolution #29

Moved by Phillip Smith Seconded by John Purdon

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-4/10, Pt. Lot 13, Concession 9 – Susan Daly to reduce the front yard setback (with shoreline frontage) from 30 metres to 12.1 metres and 30 metres to 22.8 metres respectively to allow for an addition to be built to an existing dwelling and for the installation of a new septic system 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 30 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 materials shall be disposed of well away from the water.**

Resolution #29 continued:

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 not encroach any further into the 30 metre setback than the present dwelling 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.

Please note that a portion of the subject lands lie within the regulated area of Big Clear Lake and the owners will need to apply to the Quinte Conservation Authority for a permit prior to development (construction/filling/site grading).

Carried

The second minor variance application heard was A-6-10, Pt. Lot 11, Concession 9 – Ed Thomas to reduce the front yard setback with shoreline frontage from 30 metres to 14.6 metres to allow for an addition to be built to an existing cottage.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application by explaining that the proposed addition will be located to the side of the existing cottage as there is no space to the rear of the cottage and therefore the setbacks from the high water mark will be maximized. The existing septic system has been judged acceptable by the KFL&A Public Health.

Ian Trickett, Chief Building Official mentioned that the footings of the existing cottage are on bedrock and there is a steep slope to the lake. Ian stated that it is believed that the existing cottage was built 40 or 50 years ago and appears not to have moved in this time period.

The committee asked if there are any concerns with the proposed addition. Ian further stated that since the building seems to be sound he does not feel by allowing the addition that the stability of the slope or the structure will be lessened as it will be supported by piers on rock same as the existing cottage.

Township of Central Frontenac, Committee of Adjustment - June 16, 2010 pg. 6

Mississippi Valley Conservation Authority recommended that a geotechnical investigation by an engineer be completed to assess the potential impact of the proposed development on the stability of the slope as it currently exists. Provided that new development can safely proceed without compromising the stability of the slope they have no objection to the minor variance but recommended their standard mitigative measures.

Ian will require this as part of the building permit process.

The committee approved the application with conditions.

Resolution #30

Moved by Robert Harvey

Seconded by Normand Guntensperger

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-6/10, Pt. Lot 11, Concession 9 – Ed Thomas to reduce the front yard setback (with shoreline frontage) from 30 metres to 14.6 metres to allow for an addition to be built to an existing cottage 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. There shall be no additional encroachment into the 30 metre water body setback with any additional hardened structures, including porches and decks.**
- 2. With the exception of a maximum 9 metre wide clearing for water access, a shoreline vegetated buffer shall be retained to a minimum depth of 30 metres, to mitigate the effects of erosion and surface runoff on the lake. The retention of vegetation is particularly important on the slope leading to the lake, in order to assist in stabilizing the slope.**
- 3. 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.**
- 4. Excavated material shall be disposed of well away from the water.**
- 5. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**

Resolution #30 continued:

6. **Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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 additions will not encroach any further into the 30 metre setback than the present dwelling 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

The last application being heard was minor variance application A-7-10, Pt. Lot 15, Concession 9 – Scott Henderson to reduce the front yard setback with shoreline frontage from 30 metres to 27.4 metres to allow for the construction of a screened porch.

Township of Central Frontenac, Committee of Adjustment - June 16, 2010 pg. 8

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application explaining that the proposal is to build a screened enclosure on an existing deck. The setback from the high water mark to the edge of the deck was confirmed at 27.4 metres and therefore is permitted under the zoning by-law but due to the fact they would like to screen in a portion of it to provide a bug free environment for relaxation it requires a variance.

The committee approved this application with conditions.

Resolution #31

Moved by Normand Guntensperger

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-7/10, Pt. Lot 15, Concession 9 – Scott Henderson to reduce the front yard setback with shoreline frontage from 30 metres to 27.4 metres to allow the construction of a screened porch on an existing deck.

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

- 1. With the exception of a maximum 9 metre or 25% whichever is less wide clearing for water access, the shoreline vegetated buffer shall be retained to a minimum depth of 30 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 not encroach any further into the 30 metre setback than the present dwelling exists. It will also serve to maintain or improve the shoreline.
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. 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.

Please note that a portion of the subject lands lie within the regulated area of Big Clear Lake and the owners will need to apply to the Quinte Conservation Authority for a permit to development (construction/filling/site grading).

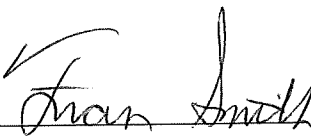
Resolution #32

Moved by Normand Guntensperger

Seconded by Robert Harvey

That this meeting be adjourned until 6:00 p.m. July 21, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for June 16, 2010

(Sharbot Lake)

Resolution # 25

Moved by

[Signature]

Seconded by

[Signature]

THAT the agenda be adopted as

Presented _____

Amended ✓

Carried ✓

Deferred _____

Refused _____

Chairperson

[Signature]

Township of Central Frontenac, Committee of Adjustment June 16, 2010

Resolution # 26

Moved by [Signature] Seconded by [Signature]

THAT the minutes of May 19, 2010 be adopted as

Presented ✓

Amended _____

Carried ✓
Deferred _____
Refused _____

Chairperson [Signature]

Township of Central Frontenac, Committee of Adjustment June 16, 2010

Resolution # 27.

Moved by [Signature] Seconded by [Signature]

That Severance Application B-03-10-OL, Pt. Lot 9, Conc. 6, Vernon & Dianne Scott 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.

All costs associated with the development agreement including preparation and registration is the responsibility of the applicant.

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

8. That the right of way be registered on title to the property over which it passes and the property to which it gives access.

Carried _____
Deferred _____
Refused _____

Chairperson [Signature]

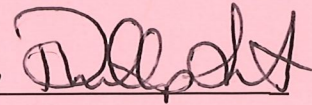
Township of Central Frontenac, Committee of Adjustment June 16, 2010

Resolution # 28

Moved by



Seconded by



That Severance Application B-04-10-OS, Pt. Lot 8, Conc. 1, Gordon & Bonita Beattie be approved subject to the following conditions:

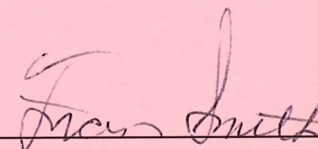
- 1. That all conditions are satisfied and the deed or instrument (in triplicate), conveying an interest in the lands shall be submitted to the Secretary-Treasurer for review and consent endorsement, within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of 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

Deferred

Refused

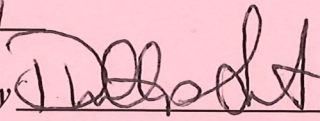
Chairperson



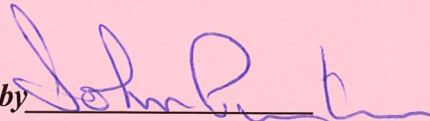
Township of Central Frontenac, Committee of Adjustment June 16, 2010

Resolution # 29

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-4/10, Pt. Lot 13, Concession 9 – Susan Daly to reduce the front yard setback (with shoreline frontage) from 30 metres to 12.1 metres and 30 metres to 22.8 metres respectively to allow for an addition to be built to an existing dwelling and for the installation of a new septic system 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 30 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 not encroach any further into the 30 metre setback than the present dwelling 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.**

Please note that a portion of the subject lands lie within the regulated area of Big Clear Lake and the owners will need to apply to the Quinte Conservation Authority for a permit prior to development (construction/filling/site grading).

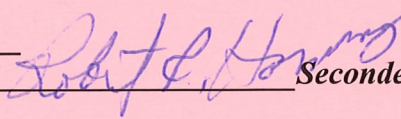
Carried ✓
Deferred
Refused

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment June 16, 2010

Resolution # 30

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-6/10, Pt. Lot 11, Concession 9 – Ed Thomas to reduce the front yard setback (with shoreline frontage) from 30 metres to 14.6 metres to allow for an addition to be built to an existing cottage 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. There shall be no additional encroachment into the 30 metre water body setback with any additional hardened structures, including porches and decks.**
- 2. With the exception of a maximum 9 metre wide clearing for water access, a shoreline vegetated buffer shall be retained to a minimum depth of 30 metres, to mitigate the effects of erosion and surface runoff on the lake. The retention of vegetation is particularly important on the slope leading to the lake, in order to assist in stabilizing the slope.**
- 3. Sediment control measures shall be implemented throughout the construction process to prevent soils going into the lake (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.**
- 4. Excavated material shall be disposed of well away from the water.**
- 5. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 6. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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:

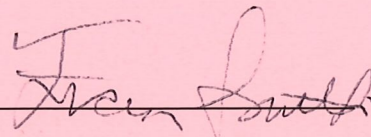
- 1. The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will not encroach any further into the 30 metre setback than the present dwelling exists. It will also serve to maintain or improve the shoreline.**
- 2. General intent is to maintain 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".

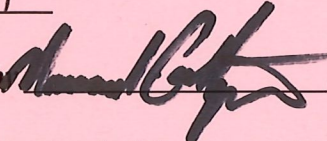
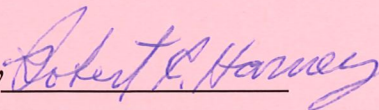
In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure 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
Refused

Chairperson _____



Resolution # 31

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-7/10, Pt. Lot 15, Concession 9 – Scott Henderson to reduce the front yard setback (with shoreline frontage) from 30 metres to 27.4 metres to allow the construction of a screened porch on an existing deck.

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 30 metres, to mitigate the effects of erosion and surface runoff on the lake. *0.25% which is best*
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.

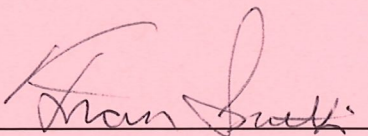
And, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

FOR THE FOLLOWING REASONS:

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

Please note that a portion of the subject lands lie within the regulated area of Big Clear Lake and the owners will need to apply to the Quinte Conservation Authority for a permit prior to development (construction/filling/site grading).

Carried _____
Deferred _____
Refused _____

Chairperson _____ 

Township of Central Frontenac, Committee of Adjustment June 16, 2010

Resolution # 32

Moved by *Manuel Guter* Seconded by *Robert L. Harvey*

That this meeting be adjourned until 6:00 p.m. July 21, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried
Deferred
Refused

Chairperson *Man Smith*

Committee of Adjustment Minutes – May 19, 2010

Committee of Adjustment met on May 19, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: Bill Snyder, Norman Guntensperger, Gary Smith, Phillip Smith

Staff in attendance: Cathy MacMunn, Secretary Treasurer.

No public in attendance.

Chair Frances Smith called the meeting to order at 6:00 p.m. There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss two minor variance applications that were previously deferred.

Resolution #20

Moved by Janet Gutowski Seconded by John Purdon

THAT the agenda be adopted as presented.

Carried

Resolution #21

Moved by Jeff Matson Seconded by Janet Gutowski

THAT the minutes of April 21, 2010 be adopted as presented.

Carried

The first application being heard was minor variance application A-2-10, Pt. Lot 30, Concession 2 – Thomas Massey to reduce the front yard setback with shoreline frontage from 30 metres to 18 metres to allow for an addition and deck to the side and in front towards the water. This application was deferred on April 21, 2010 to allow for further input from the Ministry of Environment and for the applicant to revise his application and drawing.

Cathy MacMunn informed the committee of her conversation with Alida Mitton of the Ministry of Environment who concurred with the Rideau Valley Conservation Authority's comments not to allow the proposed deck on the water side of the addition as it results in further encroachment and intensification within the 30 metre setback of Eagle Lake which is considered a highly sensitive lake trout lake. Ms. Mitton mentioned that the Ministry has no objection to the proposed addition and deck out to the side of the existing cottage as it will not result in encroachment towards the water.

Mr. Massey was advised that the Ministry of Environment and the Committee of Adjustment were not in support of the deck on the front of the proposed addition (water side) and should revisit his proposal and look at removing the proposed front deck. Mr. Massey submitted a revised application and drawing which resulted in the removal of the deck on the front of the addition.

The committee approved the application with conditions.

Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution #22

Moved by Jeff Matson

Seconded by John Purdon

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-2/10, Pt. Lot 30, Concession 2 – Thomas Massey to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for an addition and deck (to the side) to be built to an existing dwelling is approved subject to the following conditions and reasons:

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

- 1. No additional encroachment into the 30 metre water body setback with any additional hardened structures, including porches and decks.**
- 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 materials 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.**
- 6. No further disturbance to the existing shoreline buffer is to occur.**

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

Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution #22 continued:

FOR THE FOLLOWING REASONS:

- 1. The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will not encroach any further into the 30 metre setback than the present dwelling 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.**

Please note that the written approval of the Rideau Valley Conservation Authority pursuant to Ontario Regulation 174/06 is required prior to any altering, straightening, changing, diverting or interfering in any way with the shoreline of Eagle Lake.

Carried

The second application being heard was minor variance application A-3-10, Pt. Lot 9, Concession 2 – Dana Honsberger to reduce the front yard setback with shoreline frontage from 30 metres to 18 metres to allow for two additions. This application was deferred on April 21, 2010 to allow the applicants to revise their application and drawing as the Mississippi Valley Conservation Authority recommended substituting the attached garage, which is largely within the water body setback, with a detached garage and relocate it to a location that is entirely beyond 30 metres of the high water mark.

Mr. Detlor who is Ms. Honsberger's agent was advised of the comments from Mississippi Valley and of the Committee of Adjustment to review their plans for the garage. Mr. Detlor revised the application and drawing and has eliminated the attached garage. Plans are now to build a detached garage elsewhere on the property which is over 30 metres from the high water mark. Mississippi Valley Conservation Authority was circulated the revised application and drawing and have no objection but recommend that all mitigative measures in their letter dated April 15, 2010 be included in the decision.

The committee approved the application with conditions.

Resolution #23

Moved by Janet Gutowski 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.

Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution #23

THAT Minor Variance Application A-3/10, Pt. Lot 19, Concession 2 – Dana Honsberger to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for two additions (as revised) to be built to an existing cottage is 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 the lesser of a maximum 8 metre wide clearing (25% of 32 metre shoreline frontage) for water access, a shoreline vegetated buffer shall be established to a minimum depth of 3 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 neighboring 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 additions will not encroach any further into the 30 metre setback than the present dwelling 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.**

Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution #23 continued:

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.

A review for Species Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

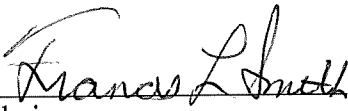
Carried

Resolution #24

Moved by John Purdon Seconded by Jeff Matson

That this meeting be adjourned until 6:00 p.m. June 16, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for May 19, 2010
(Sharbot Lake)

Resolution # 20

Moved by _____

Seconded by _____

THAT the agenda be adopted as

Presented _____

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution # 21

Moved by *Jeff Watson* Seconded by *[Signature]*

THAT the minutes of April 21, 2010 be adopted as

Presented *[checkmark]*

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson *Kean Smith*

Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution # 22

Moved by Jeff Malson Seconded by John Purdon

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-2/10, Pt. Lot 30, Concession 2 – Thomas Massey to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for an addition and deck (to the side) to be built to an existing dwelling is approved subject to the following conditions and reasons:

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

1. **No additional encroachment into the 30 metre water body setback with any additional hardened structures, including porches and decks.**
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.**
6. **No further disturbance to the existing shoreline buffer is to occur.**

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

Township of Central Frontenac, Committee of Adjustment May 19, 2010

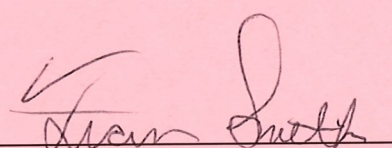
FOR THE FOLLOWING REASONS:

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 present dwelling 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.**

Please note that the written approval of the Rideau Valley Conservation Authority pursuant to Ontario Regulation 174/06 is required prior to any altering, straightening, changing, diverting or interfering in any way with the shoreline of Eagle Lake.

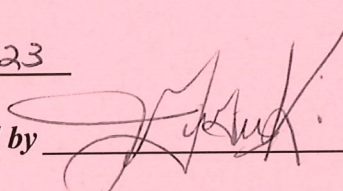
Carried _____
Deferred _____
Refused _____

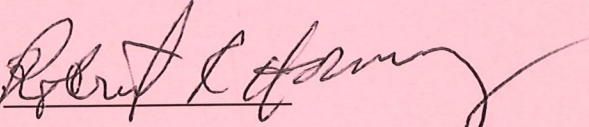
Chairperson _____



Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution # 23

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-3/10, Pt. Lot 9, Concession 2 – Dana Honsberger to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for two additions (as revised) to be built to an existing cottage is 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 the lesser of a maximum 8 metre wide clearing (25% of 32 m shoreline frontage) for water access, a shoreline vegetated buffer shall be established to a minimum depth of 3 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 neighboring 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:

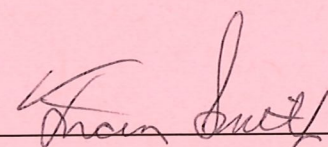
- 1. The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will be not encroach any further into the 30 metre setback than the present dwelling exists. It will also serve to maintain or improve the shoreline.**
- 2. General intent is to 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.

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

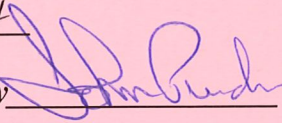
Carried _____
Deferred _____
Refused _____

Chairperson 

Township of Central Frontenac, Committee of Adjustment May 19, 2010

Resolution # 24

Moved by



Seconded by



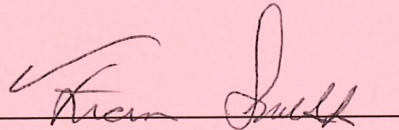
That this meeting be adjourned until 6:00 p.m. June 16, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried _____

Deferred _____

Refused _____

Chairperson _____





COMMITTEE OF ADJUSTMENT

WEDNESDAY APRIL 21, 2010

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 – February 17th
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - B-01-10-OL – Dale & Timothy Rickards – Creation of a new lot
- 7) Applications for minor variance:
 - ✓ A-2-10- Thomas Massey – reduction from high water mark
 - A-3-10 – Dana Honsberger – reduction from high water mark
- 8) Other planning business
- 9) Adjournment

Committee of Adjustment Minutes – April 21, 2010

Committee of Adjustment met on April 21, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: Bill Snyder, Norman Guntensperger

Staff in attendance: Cathy MacMunn, Secretary Treasurer.

Public in attendance: Mr. & Mrs. Detlor

Chair Frances Smith called the meeting to order at 6:00 p.m. There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss one consent application and two minor variance applications.

Resolution #14

Moved by Robert Harvey Seconded by Gary Smith

THAT the agenda be adopted as presented.

Carried

Resolution #15

Moved by Gary Smith Seconded by Robert Harvey

THAT the minutes of February 17, 2010 be adopted as presented.

Carried

The first application being heard was consent B-01-10-OL, Dale & Timothy Rickards who are proposing to sever a new lot which exceeds the required water frontage and lot size for a lot within the Limited Service Rural Zone.

Cathy MacMunn led the committee through the report explaining that the severed and retained lot is within 300 metres of St. George's Lake and that an Official Plan and Zoning By-law amendments are required to place these lands in a Waterfront District and Waterfront Residential zone respectively.

Cathy further explained that during the site visit it was evident that there was a steep slope leading to the water. Our Official Plan speaks of steep slopes and states that development on steep or unstable slopes shall be restricted. No development shall be permitted including the installation of sewage disposal systems on steep or unstable slopes unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the Building Code can be met.

Mississippi Valley Conservation Authority mentions that the Provincial Policy Statement speaks about development and that it shall generally be directed to areas outside of hazardous lands adjacent to rivers and streams and small inland lake systems which are impacted by flooding and/or erosion hazards. The appropriate setback for development adjacent to an erosion hazard is the stable slope allowance of three times the height of the slope (3:1) measured landward from the toe of the slope.

Township of Central Frontenac, Committee of Adjustment April 21, 2010

Mississippi Valley also mentioned that further analysis is required to determine if the slope leading to the lake on the severed and retained lands falls under the definition of an erosion hazard. Therefore, to determine this, sufficient measurements will be collected by the Ontario Land Surveyor, Tom MacDonald, retained by the applicants as the agent and surveyor. A copy of the results will be provided to Mississippi Valley to assess the slope in terms of its potential risk as an erosion hazard and to recommend an appropriate setback from the top of the slope.

The committee indicated that maybe we should wait for this information before proceeding as they may not be able to achieve the required setback.

Cathy pointed out that in fact the lot is 112 metres wide on one side and there is sufficient room to locate a building beyond the slope.

Cathy also indicated that she had spoken with the Mr. Fleming, Municipal Solicitor regarding the wording of the condition to make sure it covers what is necessary to deal with this setback and he has indicated that it does.

A letter was received by Mr. Condie who was concerned with the applicants using the right of way that goes near his property. Cathy clarified that in fact the applicants are proposing to use the existing municipal road allowance which was built to the private road standards a few years ago by Mr. Pyle. Mr. Pyle has not provided any comments on this application. A letter will be sent to Mr. Condie explaining this.

The committee approved the application with conditions.

Resolution #16

Moved by Robert Harvey Seconded by Gary Smith

That Severance Application B-01-10-OL, Pt. Lot 5, Conc. 11, Dale & Timothy Rickards 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:***

Township of Central Frontenac, Committee of Adjustment April 21, 2010

5 continued:

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 applies for and obtains an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Zone respectively. All costs associated with the OP and Zoning Amendments are the responsibility of the applicant.***
- 7. *The applicant shall demonstrate to the satisfaction of the municipality that the subject lands have sufficient area to accommodate a building envelope that is located a safe distance from any potential erosion hazards associated with the slope on the subject lands.***
- 8. *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;***
 - *With the exception of approved shoreline structures, no buildings or structures, including septic systems, shall occur within the greater of 30 metres from the seasonal high water mark of St. George's Lake or within the water body setback specified in the Zoning By-law at the time of new development or within the setback recommended from the top-of-slope.***
 - *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. In addition, the vegetation on the slope leading to the lake shall be maintained in its entirety in order to assist in the maintenance of slope stability and to mitigate the effects of erosion and surface runoff of the lake. The removal of dead and diseased trees and the selective "limbing" of trees that may obstruct views of the lake are considered acceptable.***
 - *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.***

Township of Central Frontenac, Committee of Adjustment April 21, 2010

#8 continued:

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

All costs associated with the development agreement including preparation and registration is the responsibility of the applicant.

9. That the applicant(s) must ensure that a civic address is applied for through the municipality prior to a building permit being issued.

10. That the right of way be registered on title to the property over which it passes and the property to which it gives access.

11. That the right of way be surveyed at 20 metres and shown on the reference plan.

12. 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-2/10 - Thomas Massey. Mr. Massey owner is requesting relief from the provisions of By-law #2002-120 to permit a reduced front yard setback with shoreline frontage from 30 metres to 18 metres. The request is to allow for an addition and deck to the side and front (water side) to be built to an existing dwelling which is within the 30 metre setback.

Cathy MacMunn, led the committee through the report explaining that the existing screened porch described as a deck on the sketch is approximately 12 x 20 or 240 sq feet and is setback 18 metres from the high water mark. The cottage including the screened in porch is legally non-complying. The proposed addition and deck will not encroach any further into the required setback than it presently exists.

Rideau Valley Conservation Authority has no objection to the addition as it will not result in further encroachment and only limited site disturbance is anticipated. However, they do not support the proposed decking on the front of the addition as it results in encroachment and further intensification within the 30-metre setback. They further mention that this should be reviewed by the Ministry of Environment and Ministry of Municipal Affairs as Eagle Lake is classified as an "at capacity" lake trout lake. They also stated that given the slope to the water, the existing shoreline infrastructure and the sensitivity of the lake, the proposed decking is excessive.

The committee discussed the sensitivity of the lake and with the size of the decking and whether or not it is not minor. All members agreed to defer this application to allow the applicant to revise his application and drawing and to receive input from the Ministry of Environment.

Township of Central Frontenac, Committee of Adjustment April 21, 2010

Resolution #17

Moved by Jeff Matson Seconded by John Purdon

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-2/10, Pt. Lot 30, Concession 2 – Thomas Massey to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for an addition and deck (to the side and in front towards the water) to be built to an existing dwelling be deferred until the next meeting which is scheduled for May 19, 2010 to allow for further input from the Ministry of Environment; and to allow the applicant to revise his application and drawing.

Carried

The next application heard was minor variance application A-3/10 – Dana Honsberger. Frank Detlor is the agent for this application. The owners request relief from the provisions of By-law #2002-120 to permit a reduced front yard setback with shoreline frontage from 30 metres to 18 metres. The request is to allow for two additions to be built to an existing cottage which is within the 30 metre setback.

Cathy MacMunn led the committee through the report explaining that the addition to the east is for a two-story four bedroom addition which will also include a garage. Approximately 10 feet of the area of the attached garage will be outside the 30 metre setback. The existing cottage is 73.35 sq metres or 789 sq feet and does not include the measurement for the unroofed deck which is 320 sq. feet. The setback from the front of the cottage is 21 metres while the measurement from the deck to the high water mark is 18 metres.

Mississippi Valley Conservation Authority does not object to the proposed additions, however, they encourage some modifications that would decrease the footprint within the water body setback such as substituting the attached garage, which is largely within the water body setback, with a detached garage and relocate it to a location that is entirely beyond 30 metres of the high water mark. They also recommended mitigative measures be included in the decision.

Cathy further indicated that there is room on the lot to relocate the garage. Mr. Detlor mentioned that he was looking at an attached garage as it would be easier to go from the garage to the house but will relocate if that is the decision of the committee.

The committee did ask about the location of the septic system. Cathy mentioned that they are going to install a new septic system which will be over 30 metre away from the high water mark.

Township of Central Frontenac, Committee of Adjustment April 21, 2010

The committee was more inclined to move the garage as a separate building to protect water quality. Therefore, it was decided to defer this application to allow the applicant to revise their application and drawing to eliminate the attached garage.

Mr. Detlor indicated that he would be okay with moving the garage.

Resolution # 18

Moved by Jeff Matson Seconded by Janet Gutowski

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-3/10, Pt. Lot 9, Concession 2 – Dana Honsberger to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for two additions to be built to an existing cottage be deferred until the next meeting which is scheduled for May 19, 2010 to allow the applicant to revise their application and drawing.


Carried

Resolution #19

Moved by Gary Smith Seconded by John Purdon

That this meeting be adjourned until 6:00 p.m. May 19, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for April 21, 2010

(Sharbot Lake)

Resolution # 14

Moved by *Bob McHorney* Seconded by *Darryl Smith*

THAT the agenda be adopted as

Presented *✓*

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson *Frank Smith*

Township of Central Frontenac, Committee of Adjustment April 21, 2010

Resolution # 15

Moved by GARY SMITH Seconded by Robert L. Homan

THAT the minutes of February 17, 2010 be adopted as

Presented ✓

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson Gary Smith

Township of Central Frontenac, Committee of Adjustment April 21, 2010

Resolution # 16

Moved by Robert J. Harvey Seconded by GARY SMITH

That Severance Application B-01-10-OL, Pt. Lot 5, Conc. 11, Dale & Timothy Rickards 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 applies for and obtains an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Zone respectively. All costs associated with the OP and Zoning Amendments are the responsibility of the applicant.*
7. *The applicant shall demonstrate to the satisfaction of the municipality that the subject lands have sufficient area to accommodate a building envelope that is located a safe distance from any potential erosion hazards associated with the slope on the subject lands.*

8. *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;*
 - *With the exception of approved shoreline structures, no buildings or structures, including septic systems, shall occur within the greater of 30 metres from the seasonal high water mark of St. George's Lake or within the water body setback specified in the Zoning By-law at the time of new development or within the setback recommended from the top-of-slope.*
 - *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. In addition, the vegetation on the slope leading to the lake shall be maintained in its entirety in order to assist in the maintenance of slope stability and to mitigate the effects of erosion and surface runoff of the lake. The removal of dead and diseased trees and the selective "limbing" of trees that may obstruct views of the lake are considered acceptable.*
 - *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).*

All costs associated with the development agreement including preparation and registration is the responsibility of the applicant.

9. *That the applicant(s) must ensure that a civic address is applied for through the municipality prior to a building permit being issued.*
10. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
11. *That the right of way be surveyed at 20 metres and shown on the reference plan.*

12. 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 Jeff Matson Seconded by John Bend

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-2/10, Pt. Lot 30, Concession 2 – Thomas Massey to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for an addition and deck (to the side and in front towards the water) to be built to an existing dwelling be deferred until the next meeting which is scheduled for May 19, 2010 to allow for further input from the Ministry of Environment; and to allow the applicant to revise his application and drawing.

Carried
Deferred _____
Refused _____

Chairperson Frank Smith

Township of Central Frontenac, Committee of Adjustment April 21, 2010

Resolution # 18

Moved by JEFF MATSON Seconded by [Signature]

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-3/10, Pt. Lot 9, Concession 2 – Dana Honsberger to reduce the front yard setback (with shoreline frontage) from 30 metres to 18 metres to allow for two additions to be built to an existing cottage be deferred until the next meeting which is scheduled for May 19, 2010 to allow the applicant to revise their application and drawing.

Carried ✓
Deferred _____
Refused _____

Chairperson [Signature]

Township of Central Frontenac, Committee of Adjustment April 21, 2010

Resolution # 19

Moved by John Rush **Seconded by** Jeff Malson

That this meeting be adjourned until 6:00 p.m. May 19, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried _____
Deferred _____
Refused _____

Chairperson Allen Jusk



COMMITTEE OF ADJUSTMENT

WEDNESDAY FEBRUARY ¹⁷~~10~~, 2010

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:**

Nil

- 7) Applications for minor variance:**

**✓ A-5-09- David Milne & Sharon Rodd– reduction from high water mark
(previously deferred pending further investigation by the MVCA)**

A-1-10 – Mark Heeler – reduction from high water mark

- 8) Other planning business**
- 9) Adjournment**

Committee of Adjustment Minutes – February 17, 2010

Committee of Adjustment met on February 17, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Robert Harvey, Gary Smith, John Purdon, Norman Guntensperger, Janet Gutowski

Absent: Bill Snyder, Phillip Smith

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

Public in attendance: Mark Heeler

Chair Frances Smith called the meeting to order at 6:00 p.m. There were no declarations of pecuniary interest noted by any member.

The purpose of the meeting is to discuss two minor variance applications.

Resolution #9

Moved by Gary Smith Seconded by John Purdon

THAT the agenda be adopted as presented.

Carried

Resolution #10

Moved by John Purdon Seconded by Gary Smith

THAT the minutes of November 17, 2009 and January 20, 2010 be adopted as presented.

Carried

The first minor variance application being heard was A-5-09 David Milne and Sharon Rodd. This application was a two part variance for the dock and three small additions to be built an existing dwelling which is within the 30 metre setback and is considered non-complying.

The variance for the dock was approved on September 14, 2010 while the other part for the building additions was deferred to allow the Mississippi Valley Conservation Authority further time to review the application as the existing cottage is only 10 metres from the high water mark and one of the additions would encroach further into the setback.

Cathy MacMunn, Secretary Treasurer led the committee through the report explaining that the applicants further consulted with the Mississippi Valley Conservation Authority and as a result they revised their floor plan and sketch which eliminated one of the proposed additions.

This new plan and sketch was then re-circulated to the Mississippi Valley Conservation Authority for further comments. The Mississippi Valley Conservation Authority provided the following comments: That the existing structure is already located within the 30 metre water body setback and the proposed additions will not encroach any further. In addition, the proposed increase in footprint within 30 metres of the high water mark is considered acceptable according to MVC guidelines. With all of this in consideration, Mississippi Valley Conservation does not object to the subject proposal but did recommend mitigative measures be included in the decision.

Township of Central Frontenac, Committee of Adjustment February 17, 2010

One question about the septic system was raised by a committee member. Ian Trickett, Chief Building Official mentioned that the applicants are replacing the tank and according to the zoning by-law they can replace in the same location and do not need to apply for a minor variance.

The committee approved the application with conditions.

Resolution # 11

Moved by Jeff Matson 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-5/09, Pt. Lot 8, Concession 2 – David Milne and Sharon Rodd to reduce the front yard setback (with shoreline frontage) from 30 metres to 12 metres and 30 metres to 10 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. 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 outletted 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 present dwelling 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.**

The property owners 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

The next application being heard was A-1-10, Pt. Lot 19, Concession 9 – Mark Heeler. The variance requested is to reduce the front yard setback (with shoreline frontage) from 30 metres to 9.7 metres for the addition and 30 metres to 16.7 metres for the septic system.

Cathy MacMunn, Secretary Treasurer led the committee through the report explaining that the variance requested is to allow for the installation of an EcoFlo Septic System at 16.7 metres from the high water mark and for the construction of an addition to an existing cottage 9.75 metres from the high water mark at the closest point. This addition will consist of a bathroom, utility room and a main new entrance to the cottage. The addition will be located at the rear of the existing cottage and the setbacks from the high water mark on both sides of the cottage will be maximized. The addition will also be within the existing setbacks of the cottage.

Cathy mentioned that she inquired with the applicant as to whether or not there was a condition on this lot that the septic system had to be back 200 feet. Mr. Heeler stated no his lawyer made no mention of such a condition.

Cathy further mentioned that a letter was received from Paul Amirault on behalf of himself and his two sisters, Carol Amirault and Anne Beaulieu who own two lots just east of the subject property. They stated that they are not necessarily opposed to the variance specifically for a proposed structure addition to the existing cottage.

Township of Central Frontenac, Committee of Adjustment February 17, 2010

They were concerned with the setback from the water line for the septic system and the likely detrimental impact to the water quality of the lake.

Another adjacent property Mr. & Mrs. Sager also called to asked questions regarding this application.

Ian Trickett, Chief Building Official mentioned that the EcoFlo septic system is more environmentally friendly and will be an improvement over the existing system. He also indicated that the setback for a system in the Building Code Act is 15 metres from the high water mark and therefore complies with this regulation.

Cathy informed the committee that she spoke to both individuals and forwarded the comments from the Mississippi Valley Conservation Authority and KFL&A Public Health. No further comments were received.

The committee mentioned that the aerial picture showed the cottage at a different angle than the sketch. Ian confirmed that even though the angle is a little different the measurements shown are accurate.

KFL&A Public Health submitted their comments and in fact has no objection to the approval of the minor variance as the owner has submitted an application to install a new septic system.

Mississippi Valley Conservation Authority indicated in their comments that the existing structure is already located within the 30 metre water body setback and the proposed addition will not encroach any further. Furthermore, the addition will be located on the non-waterside of the property in an area that maximizes the potential setback from water. In addition, the proposed increase in footprint within 30 metres of the high water mark is considered acceptable according to MVC guidelines. With all of this in consideration, MVC does not object to the subject proposal. Concerning a reduced setback for an upgraded septic system, we do not have any objection provided that the system is located as far away from the lake as possible towards the minimum setback of 30 metres. Mississippi Valley recommended that mitigative measures be included in the decision.

The committee approved the application with conditions.

Resolution #12

Moved by Gary Smith

Seconded by John Purdon

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.

Resolution #12 continued:

THAT Minor Variance Application A-1/10, Pt. Lot 19, Concession 9 – Mark Heeler to reduce the front yard setback (with shoreline frontage) from 30 metres to 9.7 metres for the addition and 30 metres to 16.7 metres for the septic system 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. No additional encroachment into the 30 metre water body setback with any additional hardened structures, including porches and decks.**
- 2. 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. The maintenance of the vegetation is particularly important on the slope leading to the lake, in order to assist in stabilizing the slope.**
- 3. 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.**
- 4. Excavated material shall be disposed of well away from the water.**
- 5. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 6. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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 present dwelling 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.**

Resolution #12 continued:

The property owners 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

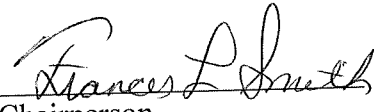
Resolution #13


Moved by Gary Smith

Seconded by John Purdon

That this meeting be adjourned until 6:00 p.m. March 17, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for February 17, 2010
(Sharbot Lake)

Resolution # 9

Moved by GARY SMITH Seconded by [Signature]

THAT the agenda be adopted as

Presented ✓

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson [Signature]

Township of Central Frontenac, Committee of Adjustment February 17, 2010

Resolution # 10

Moved by [Signature] Seconded by GARY SMITH

THAT the minutes of November 17, 2009 and January 20, 2010 be adopted as

Presented [Signature]

Amended _____

Carried _____
Deferred _____
Refused _____

Chairperson [Signature]

Resolution # 11

Moved by Jeff Mulser Seconded by Robert R. Forney

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 and Sharon Rodd to reduce the front yard setback (with shoreline frontage) from 30 metres to 12 metres and 30 metres to 10 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. **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 outletted 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:

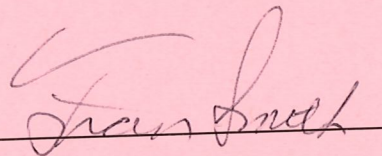
1. **The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will be not encroach any further into the 30 metre setback than it present dwelling exists. It will also serve to maintain or improve the shoreline.**
2. **General intent is to maintain 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.**

The property owners 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 _____
Refused _____

Chairperson _____



Resolution # 12

Moved by GARY SMITH Seconded by [Signature]

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-1/10, Pt. Lot 19, Concession 9 – Mark Heeler to reduce the front yard setback (with shoreline frontage) from 30 metres to 9.7 metres for the addition and 30 metres to 16.7 metres for the septic system 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. No additional encroachment into the 30 metre water body setback with any additional hardened structures, including porches and decks.
2. 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. The maintenance of the vegetation is particularly important on the slope leading to the lake, in order to assist in stabilizing the slope.
3. 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.
4. Excavated material shall be disposed of well away from the water.
5. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
6. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring 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:

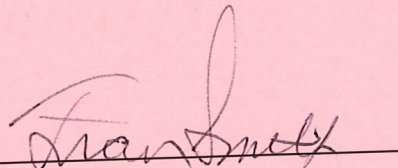
1. The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will be not encroach any further into the 30 metre setback than it present dwelling exists. It will also serve to maintain or improve the shoreline.
- 2 ~~7~~ General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback.
- 3 ~~8~~ 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 ~~9~~ 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.

The property owners 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 _____
Refused _____

Chairperson _____



Township of Central Frontenac, Committee of Adjustment February 17, 2010

Resolution # 13

Moved by GARY SMITH Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. March 17, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried _____
Deferred _____
Refused _____

Chairperson [Signature]



COMMITTEE OF ADJUSTMENT

WEDNESDAY JANUARY 20, 2010

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 – ~~at the meeting~~ next mtg**
- 5) **Unfinished/Old business and business arising from the minutes**
- 6) **Applications for consent:**
 - B-28-09-HI – Liscobrike Ltd. (Camp Oconto) – Creation of a new lot**
 - B-29-09-HI – Joe Nolan – Creation of a new lot**
 - B-30-09-HI – Lynn Cronk – Creation of a new lot**
 - B-31-09-HI – Lynn Cronk – Creation of a new lot**
- 7) **Applications for minor variance:**
 - A-7-09- David Connolly – reduction from high water mark - defer**
 - A-8-09 – Martin Loney – reduction from high water mark**
- 8) **Other planning business**
- 9) **Adjournment**

Committee of Adjustment Minutes – January 20, 2010

Committee of Adjustment met on January 20, 2010 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: Frances Smith, Norman Guntensperger, Gary Smith, Bill Snyder

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

Public in attendance: Tom MacDonald, Lynn Cronk, Lisa Wilson, Bruce Wilson, Sue Rawson, Martin Loney, Christine Poulter and Darren Howes,

The purpose of the meeting is to discuss 4 consent applications and two minor variance applications.

Janet Gutowski will act as chair for this evenings meeting in the absence of Frances Smith.

Resolution #1

Moved by Jeff Matson Seconded by John Purdon

THAT the agenda be adopted as amended.

Carried

The first consent application being heard was B-28-08-HI, Liscobrike Ltd. – Bruce and Lisa Wilson who are proposing to sever this parcel as a right of way and parking lot for properties that have water access only.

Cathy MacMunn led the committee through the report explaining that the road was built in 1964 to allow cottagers water access and to park their vehicles. A 50 year lease was given to those individuals who were approximately four cottagers and as of May 2014 it will expire. Lisa and Bruce Wilson would like to sever and sell this parcel to the group so that they will continue to have a right of way and access.

Cathy further explained that Part 8 is in fact included in the application along with Part 7. This application was circulated to the Ministry of Environment and Ministry of Municipal Affairs since Eagle Lake is classified as an “at capacity” lake trout lake and new lot creation is restricted and therefore their comments are required.

Township of Central Frontenac, Committee of Adjustment January 20, 2010

Correspondence has been received from Alida Mitton, Environmental Planner with the Ministry of Environment stating that they have no objections to the severance as long as the land continues to be used as a parking lot and as water access for those individuals who presently have lots on Eagle Lake. The ministry does request though that the subject lands be rezoned to prohibit a dwelling and/or septic system.

The committee had a few questions regarding the right of way and parking area which Lisa Wilson was able to answer.

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

Resolution #2

Moved by Robert Harvey Seconded by Jeff Matson

That Severance Application B-28-09-HI, Pt. Lot 30, Conc. 1, Liscobrike Ltd. 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 and parking lot be registered on title to the property over which it passes and the properties to which it gives access to.*
- 6. That the severed parcel be rezoned to Rural Special Exception to prohibit the installation of a septic system and a dwelling for residential purposes and further incorporate the recommendations of the Rideau Valley Conservation Authority such as:
 - a) Restricting the storage of contaminants i.e. fuel at the waterfront*
 - b) No additional filling near the wetland or near shore area.*All costs associated with the rezoning are the responsibility of the applicant.*

- 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-29-09-HI, Joe Nolan who is creating a new lot which exceeds the required road frontage and lot size for a lot within the rural zone.

There was a discussion on the deferral requested by the KFL&A Public Health and whether we should go forth as the applicant has 1 year to complete the conditions of the provisional consent. Tom MacDonald agent mentioned that Mr. Nolan is aware of this and would like to proceed.

The staff mentioned that if they did not feel there was enough room for a septic system on the proposed lot they would recommend a deferral pending comments from the KFL&A Public Health but since there is an area available they recommend to go forth.

Therefore, the committee approved the application with conditions. A copy of the report is included in the respective file.

Resolution #3

Moved by Jeff Matson Seconded by John Purdon

That Severance Application B-29-09-HI, Pt. Lot 7, Conc. 11, Joe Nolan 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.**

Township of Central Frontenac, Committee of Adjustment January 20, 2010

Resolution # 3 continued:

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 approval is obtained from Public Health for the installation of a septic system and further that a copy of the permit be filed with the committee.***
7. ***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.***
8. ***That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

Carried

The next two applications being discussed were B-30 & 31-09-HI, Lynn Cronk. Since both lots being proposed are side by side the committee discussed them together.

Cathy MacMunn led the committee through the two applications explaining that they are being created as waterfront lots which exceed the required road and water frontage as well as lot size for a lot within the rural and waterfront zone. Since, both of these lots will be waterfront lots an Official Plan Amendment and Zoning By-law Amendments are required to place the proposed lots in the Waterfront District and Waterfront Residential Zone respectively. Also, access will be via a private road/right of way which will have to be brought up to municipal standards as outlined in the Official Plan.

There was a discussion on the right of way that maybe it could be shortened for Parcel B which leads to the road allowance.

Ian Trickett, Chief Building Official mentioned that application B-31-09-HI has a deep bay and that the building envelope should be shown on the survey to ensure the lot can achieve the 30 metre setback.

There was a discussion by the committee that possibly we should make this a requirement for future lots that may have the same type of characteristics.

Darren Howes spoke on behalf of Gerald Howes who is out of the country presently. He mentioned that they have no concerns and support these applications. One question about the use of the road allowance wondered why they were not notified. We do not notify the neighboring property owners for the use of the allowance only when it is being closed but that we could consider this in future.

The committee approved both applications with conditions. A copy of the report is in the respective files.

Resolution #4

Moved by Robert Harvey Seconded by Jeff Matson

That Severance Application B-30-09-HI, Lot 26, 27, 28, Conc. 7, Lynn Cronk 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.*

Resolution # 4 continued:

6. ***That approval is obtained from Public Health for the installation of a septic system and further that a copy of the permit be filed with the committee.***
7. ***That the applicant applies for an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Zone respectively. All costs associated with the OP and Zoning Amendments are the responsibility of the applicant.***
8. ***That the proposed private road (lane) be surveyed at 20 metres and that it is shown on the reference plan.***
9. ***That the right of way be registered on title to the property over which it passes and the property to which it gives access.***
10. ***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) ***That the private road to be constructed to the private road standards as outlined in the Official Plan and the design and construction of the road be undertaken by a professional engineer or other person competent in road construction, as approved by Council.***
 - c) ***Undertake to implement the recommendations from the Rideau Valley Conservation Authority be reflected in the development agreement specifically;***
 - ***No disturbance to the soil and vegetation within 30 metres of the water (excepting access to the water). Limited pruning of the existing mature vegetation would allow for view to the water.***
 - ***All of the existing natural vegetation cover along the shoreline is to be maintained so as to preserve the natural buffer and ecological linkage functions in the near shore area.***
 - ***No maintained or manicured lawn should be established between the dwelling and the water.***
 - ***Erosion and sediment controls are to be established on the down slope side of the construction site prior to the commencement of any development activity.***

Resolution # 4 continued:

- *Roof runoff will be re-directed via eavestroughing with outlets to the rear (away from the water body) of any structure.*
- *All excavated materials must be disposed of well away from the lake.*

All costs associated with the development agreement including preparation and registration is 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

Resolution #5

Moved by Robert Harvey Seconded by Jeff Matson

That Severance Application B-31-09-HI, Lot 26, 27, 28, Conc. 7, Lynn Cronk 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.*

Resolution # 5 continued:

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 approval is obtained from Public Health for the installation of a septic system and further that a copy of the permit be filed with the committee.*
7. *That the applicant applies for an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Zone respectively. All costs associated with the OP and Zoning Amendments are the responsibility of the applicant.*
8. *That the proposed private road (lane) be surveyed at 20 metres and that it is shown on the reference plan.*
9. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
10. *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) *That the private road to be constructed to the private road standards as outlined in the Official Plan and the design and construction of the road be undertaken by a professional engineer or other person competent in road construction, as approved by Council.*
 - c) *Undertake to implement the recommendations from the Rideau Valley Conservation Authority be reflected in the development agreement specifically:*
 - *No disturbance to the soil and vegetation within 30 metres of the water (excepting access to the water). Limited pruning of the existing mature vegetation would allow for view to the water.*
 - *All of the existing natural vegetation cover along the shoreline is to be maintained so as to preserve the natural buffer and ecological linkage functions in the near shore area.*

Resolution # 5 continued:

- *No maintained or manicured lawn should be established between the dwelling and the water.*
- *Erosion and sediment controls are to be established on the down slope side of the construction site prior to the commencement of any development activity.*
- *Roof runoff will be re-directed via eavestroughing with outlets to the rear (away from the water body) of any structure.*
- *All excavated materials must be disposed of well away from the lake.*

All costs associated with the development agreement including preparation and registration if the responsibility of the applicant.

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

12. That a building envelope be identified.

Carried

The next application being heard was Minor Variance A-7/09 – David Connelly. Mr. Connelly is requesting relief from the provisions of By-law #2002-120 to permit a reduced front yard setback with shoreline frontage from 30 metres to 12.8 metres. The request is to allow for an addition to be built to an existing dwelling which is within the 30 metre setback.

The KFL&A Public Health has indicated that the septic bed is too close to the proposed addition and existing dwelling and until the snow is gone they are unable to confirm this. Therefore, they have requested a deferral until they receive further information from the owner. The staff concurs with this recommendation as it was unclear during the site visit how close the addition would be to the septic system.

The committee deferred this application.

Resolution #6

Moved by Jeff Matson

Seconded by John Purdon

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,

Resolution #6 continued:

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-7/09, Pt. Lot 28, Concession 5 – David Connelly be deferred until such time as the applicant has provided the KFL&A Public Health with further information regarding the septic system.

Carried

The next minor variance application was A-8/09 – Martin Loney and Christine Pouler. Mr. Loney and Ms. Poulter owners request relief from the provisions of By-law #2002-120 to permit a reduced front yard setback with shoreline frontage from 30 metres to 15 metres. The request is to allow for an addition to be built to an existing dwelling which is within the 30 metre setback.

Ian Trickett, Chief Building Official led the committee through the application explaining that the proposed addition will provide a basement storage area and upper level entrance to the cottage through the addition of a bedroom and bathroom. The addition will be located at the rear of the existing cottage and the setbacks from the high water mark will be maximized.

The committee inquired as to the zone the lot is in. Staff mentioned that it is within the residential zone not in the waterfront residential.

Another question was about the septic system and its location. Ian stated that the Septic is pumped up to the bed at the back of the lot.

KFL&A Public Health have no objections to the proposed minor variance.

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

Resolution #7

Moved by Robert Harvey Seconded by Jeff Matson

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-8/09, Pt. Lot 14, Concession 9 – Martin Loney and Christine Pouler to reduce the front yard setback (with shoreline frontage) from 30m to 15m 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. 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.**
- 2. Excavated material shall be disposed of well away from the water.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring properties. 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.**

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 present dwelling exists. It will also serve to maintain or improve the shoreline.**

Resolution #7 continued:

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.**

The property owner be advised that the subject lands lie within the regulated area of Big Clear Lake and that they will need to apply to the Quinte Conservation Authority for a permit prior to development (construction/filling/site grading) within 30 metres of the high water mark/flood plain.

In addition, the Federal Fisheries Act may apply to the subject lands. Should shoreline alterations or in-water work be proposed, the applicant must contact the Conservation Authority prior to any activity occurring on the site. Quinte Conservation will review the proposal to determine if there are any potential impacts to fish habitat.

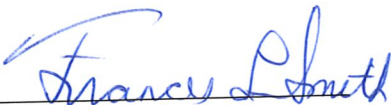
Carried

Resolution #8

Moved by Jeff Matson Seconded by John Purdon

That this meeting be adjourned until 6:00 p.m. February 17, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for January 20, 2010

(Sharbot Lake)

Resolution # 1

Moved by Jeff Matsow Seconded by John P. ...

THAT the agenda be adopted as

Presented ✓

Amended ✓

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Township of Central Frontenac, Committee of Adjustment January 20, 2010

Resolution #2

Moved by *[Signature]* Seconded by JEFF MATSON

That Severance Application B-28-09-HI, Pt. Lot 30, Conc. 1, Liscobrike Ltd. 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 and parking lot be registered on title to the property over which it passes and the properties to which it gives access to.
6. That the severed parcel be rezoned to Rural Special Exception to prohibit the installation of a septic system and a dwelling for residential purposes and further incorporate the recommendations of the Rideau Valley Conservation Authority such as:
 - a) Restricting the storage of contaminants i.e. fuel at the waterfront
 - b) No additional filling near the wetland or near shore area.All costs associated with the rezoning are the responsibility of the applicant.
7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried _____
Deferred _____
Refused _____

Chairperson *[Signature]*

Township of Central Frontenac, Committee of Adjustment January 20, 2010

Resolution # 3

Moved by SETH MATSON Seconded by [Signature]

That Severance Application B-29-09-HI, Pt. Lot 7, Conc. 11, Joe Nolan 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 approval is obtained from Public Health for the installation of a septic system and further that a copy of the permit be filed with the committee.*
- 7. 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.*
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried
Deferred
Refused

Chairperson [Signature]

Township of Central Frontenac, Committee of Adjustment January 20, 2010

Resolution # 4

Moved by Robert L. Horvath Seconded by JEFF WATSON

That Severance Application B-30-09-HI, Lot 26, 27, 28, Conc. 7, Lynn Cronk 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 approval is obtained from Public Health for the installation of a septic system and further that a copy of the permit be filed with the committee.*
7. *That the applicant applies for an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Zone respectively. All costs associated with the OP and Zoning Amendments are the responsibility of the applicant.*
8. *That the proposed private road (lane) be surveyed at 20 metres and that it be shown on the reference plan.*

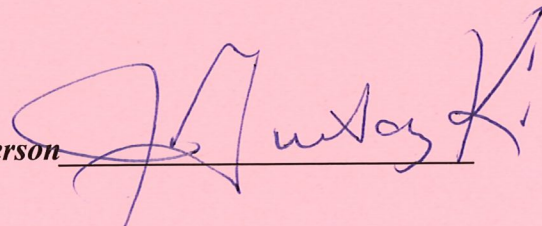
9. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
10. *That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality 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) *That the private road to be constructed to the private road standards as outlined in the Official Plan and the design and construction of the road be undertaken by a professional engineer or other person competent in road construction, as approved by Council.*
 - c) *Undertake to implement the recommendations from the Rideau Valley Conservation Authority be reflected in the development agreement specifically;*
 - *No disturbance to the soil and vegetation within 30 metres of the water (excepting access to the water). Limited pruning of the existing mature vegetation would allow for view to the water.*
 - *All of the existing natural vegetation cover along the shoreline is to be maintained so as to preserve the natural buffer and ecological linkage functions in the near shore area.*
 - *No maintained or manicured lawn should be established between the dwelling and the water.*
 - *Erosion and sediment controls are to be established on the downslope side of the construction site prior to the commencement of any development activity.*
 - *Roof runoff will be re-directed via eavestroughing with outlets to the rear (away from the waterbody) of any structure.*
 - *All excavated materials must be disposed of well away from the lake.*

All costs associated with the development agreement including preparation and registration is 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 _____
Deferred _____
Refused _____

Chairperson _____



Township of Central Frontenac, Committee of Adjustment January 20, 2010

Resolution # 5

Moved by Robt J. Houry Seconded by JEFF MATSON

That Severance Application B-31-09-HI, Lot 26, 27, 28, Conc. 7, Lynn Cronk 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 approval is obtained from Public Health for the installation of a septic system and further that a copy of the permit be filed with the committee.***
7. ***That the applicant applies for an amendment to the Official Plan and Zoning By-law to place the lands in a Waterfront District and Waterfront Residential Zone respectively. All costs associated with the OP and Zoning Amendments are the responsibility of the applicant.***
8. ***That the proposed private road (lane) be surveyed at 20 metres and that it be shown on the reference plan.***

9. ~~That the proposed private road (lane) be surveyed at 20 metres and that it be shown on the reference plan.~~
9. ~~10. That the right of way be registered on title to the property over which it passes and the property to which it gives access.~~
10. ~~11. 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) ~~That the private road to be constructed to the private road standards as outlined in the Official Plan and the design and construction of the road be undertaken by a professional engineer or other person competent in road construction, as approved by Council.~~
 - c) ~~Undertake to implement the recommendations from the Rideau Valley Conservation Authority be reflected in the development agreement specifically:~~
 - ~~No disturbance to the soil and vegetation within 30 metres of the water (excepting access to the water). Limited pruning of the existing mature vegetation would allow for view to the water.~~
 - ~~All of the existing natural vegetation cover along the shoreline is to be maintained so as to preserve the natural buffer and ecological linkage functions in the near shore area.~~
 - ~~No maintained or manicured lawn should be established between the dwelling and the water.~~
 - ~~Erosion and sediment controls are to be established on the downslope side of the construction site prior to the commencement of any development activity.~~
 - ~~Roof runoff will be re-directed via eavestroughing with outlets to the rear (away from the waterbody) of any structure.~~
 - ~~All excavated materials must be disposed of well away from the lake.~~

~~All costs associated with the development agreement including preparation and registration if the responsibility of the applicant.~~

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

12 ~~13 that a building envelope also be identified~~

Carried
Deferred _____
Refused _____

Chairperson 

Resolution # 6

Moved by SEFF MABEN Seconded by [Signature]

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-7/09, Pt. Lot 28, Concession 5 – David Connelly be deferred until such time as the applicant has provided the KFL&A Public Health with further information regarding the septic system.

Carried _____
Deferred ✓ _____
Refused _____

Chairperson [Signature]

Resolution # 7

Moved by Robert L. Honey Seconded by JEFF MASON

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-8/09, Pt. Lot 14, Concession 9 – Martin Loney and Christine Pouler to reduce the front yard setback (with shoreline frontage) from 30m to 15m 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. 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.**
- 2. Excavated material shall be disposed of well away from the water.**
- 3. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- 4. 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 outletted 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:

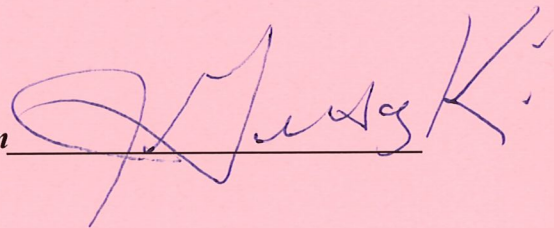
1. **The variance is minor because the impacts will not further negatively affect the environment as the proposed addition will not encroach any further into the 30 metre setback than the present dwelling exists. It will also serve to maintain or improve the shoreline.**
2. **General intent is to maintain 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.**

The property owner be advised that the subject lands lie within the regulated area of Big Clear Lake and that they will need to apply to the Quinte Conservation Authority for a permit prior to development (construction/filling/site grading) within 30 metres of the high water mark/flood plain.

In addition, the Federal Fisheries Act may apply to the subject lands. Should shoreline alterations or in-water work be proposed, the applicant must contact the Conservation Authority prior to any activity occurring on the site. Quinte Conservation will review the proposal to determine if there are any potential impacts to fish habitat.

Carried _____
Deferred _____
Refused _____

Chairperson _____



Township of Central Frontenac, Committee of Adjustment January 20, 2010

Resolution # 8

Moved by JEFF MASON Seconded by John P. ...

That this meeting be adjourned until 6:00 p.m. February 17, 2010 at the Soldiers Memorial Hall, Sharbot Lake

Carried ✓
Deferred _____
Refused _____

Chairperson Pat ...