COMMITTEE OF ADJUSTMENT

THURSDAY DECEMBER 13, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL- SHARBOT LAKE

1) **Call to order (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-02-12-KE – Denis Gillen – deferred previously

   B-03-12-KE – Denis Gillen – deferred previously

   B-16-12-OS – Estate of James Sinclair Marshall – right of way

7) **Applications for minor variance:**

   A-13-12 – John Keen – reduction from water setback - deferred previously

   A-22-12- Yvon Bernard – reduction from front yard setback

   A-23-12 – David Tyers – reduction from front yard setback

   A-24-12- Curtis Carson – reduction from front yard setback

   A-25-12- Barbara Driscoll – reduction from front yard and rear yars

8) **Other planning business : Dates for 2013 meetings**
9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – December 13, 2012

Committee of Adjustment met on December 13, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, John Purdon, Heather Fox, Janet Gutowski

Absent: Normand Guntensperger, Tom Dewey, William Snyder

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer, Jeremy Neven, Chief Building Official and Glenn Tunnock, Planning Consultant

Public in attendance: Greg Newman agent for Denis Gillen, Barbara Driscoll, Bill Dewson agent for David Tyers, David Tyers and Craig Halpenny agent for Sinclair Marshall estate.

The purpose of the meeting is to discuss three (3) consent and five (5) minor variance applications.

Frances Smith, chair called the meeting to order at 6:00 p.m.

The agenda was introduced.

Resolution #79
Moved by Wayne Millar ***Seconded by John Purdon***
That the agenda be adopted as amended.

Carried

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

The first application being heard was consent application B-02-12-KE, Pt. Lot 19, Concession 8, Kennebec District. Cathy MacMunn, Planning Coordinator/Secretary Treasurer mentioned that this application and B-03-12-KE were deferred at the May 24, 2012 meeting as the agent requested the deferral until draft approval for the subdivision was given.

Cathy provided an overview and explained that the proposed severed lot is within the rural zone and will be used as a public road for access to Kennebec Lake Subdivision and public open space. There are no buildings proposed and therefore no setback requirements as per the Official Plan and Zoning By-law. An Official Plan amendment dealing with the subdivision has been completed and forwarded to the Ministry of Municipal Affairs and Housing for approval. The County of Frontenac has given draft approval for the subdivision. This parcel is being used as access and will be part of the road network for the subdivision which will be required to be brought up to standards as set out in the township's Official Plan.

At the meeting on May 24, 2012 concerns of the public were addressed by the applicant's agent Greg Newman and Council also provided comments regarding the proposal. There are no planning reasons not to proceed with the approval of the consent and draft approval for the subdivision has been given by the County of Frontenac.

Brian Neale forwarded further comments by email regarding the entrance coming off of Henderson Road. A copy of the email is in the file.

There was a question regarding the rock on the south side of Henderson Road. Greg Newman informed the committee that the view to the south is good and is approximately 130 metres and to the north is approximately 110 metres. The rock outcrops will be removed and that there will be a right hand taper for the entrance off of the Henderson Road into the subdivision.

The committee then dealt with the second application for Gillen B-03-12-KE, Pt. Lot 19, Concession 9, Kennebec District.

Cathy mentioned that this application is also within the rural zone and will be used as a public road for access to Kennebec Lake Subdivision. There are no buildings proposed and therefore no setback requirements as per the Official Plan and Zoning By-law. Cathy further explained that this application has no frontage on a public road and does not meet our zoning requirements for a separate lot. This lot will become part of the subdivision and to address this issue of frontage the municipal solicitor has suggested it become a lot addition. The committee approved both applications.

Resolution #80

Moved by John Purdon ***Seconded by Wayne Millar***

That Severance Application B-02-12-KE Pt. Lot 19, Conc. 8, Denis Gillen be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

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

Carried

Resolution #81

Moved by Wayne Millar *Seconded by John Purdon*

That Severance Application B-03-12-KE Pt. Lot 19, Conc. 9, Denis Gillen be approved subject to the following conditions:

1. *That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.*

2. *That the applicant provides one copy 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*

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

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

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

Carried

The next application was B-16-12-OS, Lot 8, Concession 7, Estate of James Sinclair Marshall. Craig Halpenny from Barker Willson is the agent for this application.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application and explained that the proposed application is to grant a right of way over an existing travelled right of way for the benefit of an existing lot. The lot receiving the right of way does not have a right of way registered on its title. The existing travelled right of way is described on three separate reference plans; part 2 on plan 13R4852; part 1 on plan 13R9200, and save and except part 17 on plan 13R10553.

Mr. Halpenny informed the committee that Mr. Marshall owned the property that the right of way is over and never needed to provide one until now as the land has been sold.

There was a question about the need to have a right of way over all parts of the reference plan 10553 and not just over part 16 as it stops before you get to the end of the road as indicated by Frontenac maps. Mr. Halpenny mentioned that they already have a right of way over the all the other parts of the plan and therefore do not require a further right of way.

The KFL&A Public Health and Rideau Valley Conservation Authority were not circulated this application as it is to provide a right of way over an existing road not new development.

The committee approved with conditions.

Resolution #82
Moved by John Purdon ***Seconded by Wayne Millar***

That Severance Application B-16-12-OS, Lot 8, Conc.7, Estate of James Sinclair Marshall be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 the right of way be registered on title to the property over which it passes and the property to which it gives access.***

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

Carried

The next application being heard was minor variance application A-25-12, Pt. Lot 9, Concession 2, Barbara Driscoll who is requesting the setback from a front yard setback with shoreline frontage from 30 metres to 10.36 metres and from the rear yard setback from 7.5 metres to 0 to build an attached garage. Barbara Driscoll was present for the discussion.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. Ms. Driscoll applied for a minor variance in 2011 to erect a detached garage which was approved in November 2011 and before she could build the garage her residence was destroyed by fire. Cathy further explained that Section 4.26 (d) (i) of the Zoning By-law allows for the reconstruction of any non-complying building or structure provided the height and gross floor area are not increased and the new building or structure is erected on the same building footprint.

Jeremy Neven, Chief Building Official explained that with the plans for the new structure she wanted to have an attached garage instead of a detached garage along with a breezeway, therefore a variance is required. The footprint of the new structure is larger than the original dwelling as the previous deck is included in the footprint allowing this additional size.

Staff, met with Ms. Driscoll to inform her of their decision not to support the application as it included decking on the waterside. Ms. Driscoll revised her sketch and removed the decking and now the proposed new structure will not project any closer into the water setback than the original structure.

KFL&A Public Health has no objection to the proposed minor variance.

The Mississippi Valley Conservation Authority has been circulated the application and have reviewed it in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. The Township of Central Frontenac previously gave permission to construct a single-car detached garage on the subject property in November of 2011. The garage was proposed to measure 264 sq. ft. with a water body setback of 10.36 m. It is our understanding that the garage has not been constructed. MVC supported this application, largely on the basis that it was a very modest sized footprint (refer to letter to the municipality dated November 22, 2011).

We recognize that the subject application does not result in a further encroachment into the water body setback of 30 m; however, it does propose a substantial increase in footprint within very close proximity to the lake i.e. 10.36 m. MVC does not support the application as currently submitted as we do not consider an increase in footprint within 10.36 m of the lake as minor. Alternatively, we recommend that the proposed increase in footprint be substantially reduced to render it minor.

There was a discussion by the committee who indicated that Mississippi Valley Conservation Authority is not supporting the application as the proposed attached garage is larger than the previous one that was approved in 2011. It was also noted that this property is on east basin of Sharbot Lake which is not highly sensitive.

The committee approved the application with conditions.

Resolution #83
Moved by Heather Fox 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-25-12, Pt. Lot 9, Concession 2, Barbara Driscoll to reduce the front yard setback (with shoreline frontage) from 30 meters to 10.36 metres and from the rear yard setback from 7.5 metres to 0 to build an attached garage be approved subject to the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the followingand, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

6. ***With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained and enhanced to a minimum depth of 3 metres with deeply rooted native vegetation. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.***

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the garage will be placed as far away from the water as the lot will allow and will be in kept in line with the existing structure. It will also serve to maintain the existing shoreline.**

Resolution #83 continued:

2. **General intent is to maintain a reasonable setback given the proposed dwelling is being replaced on the same footprint as the existing dwelling which was already within the 30 metre setback and the proposed garage is being located as far away from the water as possible due to the configuration of the lot.**

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 waterfront uses.**

Carried

The next application being heard was minor variance application A-23-12, Pt. Lot 6 & 7, Concession 2, David Tyers who is requesting a reduction from the front yard setback with shoreline frontage from 30 metres to 9.45 metres to allow for an addition to be built on the existing dwelling. Mr. Tyers and his agent Bill Dewson were present for the discussion.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. The variance being requested is to permit an addition to be built to the existing dwelling to accommodate a screened porch and new master ensuite bathroom. The size of the proposed addition is 21.8 sq m. A site visit was completed by staff, Public Health Inspector and Planner with Mississippi Valley Conservation Authority. The island is located in the eastern basin of Sharbot Lake and is known as Island 'D'- Cheddar Island. The island is 2.44 ha in size. The subject lands are occupied by a cottage built approximately over 10 years ago.

Other structures on the island include a storage building, boat port and a sauna. The applicant has also applied for a new septic system which will meet the 30 metre setback requirement. There are viewing platform/decks located on the south and west side of the cottage. There is also a walkway and deck off the sauna. Much of the island is heavily covered with mature trees.

Mr. Dewson mentioned that the addition is ½ screened porch and ½ master bedroom not all porch. Jeremy Neven Chief Building Official asked about the patio and whether or not they will be removing the rock. Mr. Dewson stated that they are going to work the rock into the design no blasting will take place.

The committee asked whether or not they can relocate the porch to meet the comments provided by the Mississippi Valley Conservation Authority. Mr. Dewson mentioned that because of the design of the bedroom it will not work moving it back.

KFL&A Public Health has no objection to the minor variance as the owner has submitted an application under permit number OS-28-12.

Mississippi Valley Conservation Authority (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues.

According to the information provided, the subject minor variance would allow for a reduced setback from the high water mark (HWM) of Sharbot Lake from 30 m to 9.5 m, in order construct a screened porch measuring 236 sq. ft.

The subject application proposes to further reduce an already substandard setback i.e. 11.88 m to 9.5 m. We recognize that the proposed increase in footprint of 236 sq. ft. is modest in size; however, a further reduction of an already deficient setback is not considered acceptable or consistent with the current environmental standards for waterfront development.

MVC does not object to the proposed porch; particularly in consideration of the fact that the subject application also results in the replacement of the existing septic system with a new system that complies with the minimum water body setback. However, with the above in consideration, we recommend that the proposed porch be shifted north in a manner that would increase the water body setback to a minimum of 11.88 metres (same as the existing setback).

They provided conditions of approval for any new development on the subject property which is included in their report.

The committee approved the application with conditions.

Resolution #84
Moved by Heather Fox ***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-23-12, Pt. Lot 6 & 7 Concession 2, David Tyers to reduce the front yard setback (with shoreline frontage) from 30 meters to 9.45 metres to allow for an addition to be built on the 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 and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***There shall be no additional footprint permitted within the 30 m water body setback with any hardened structures, including decks and porches.***

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 should remain in place until all disturbed areas have been stabilized and re-vegetated.***

3. ***Excavated material shall be disposed of well away from the lake.***

Resolution #84 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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state. It is recognized that this is an existing island and is occupied by an existing dwelling (cottage). The new septic system will meet the 30 metre setback requirement and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.**

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The cottage is built on the point and the proposed addition falls within the water setback.**

   However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met. To this extent the second test will be met.

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the addition of a porch is appropriate development and meets the fourth test.**

Carried

The next application being heard was minor variance application A-22-12, Pt. Lot 8, Concession 11, Yvon Bernard who is requesting a reduction from the front yard setback with shoreline frontage from 30 metres to 24 metres to allow for the construction of a new dwelling.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. The applicant proposes to build a 144 sq. metre (1600 sq. ft.) permanent residence. Presently, there is a trailer on the lot which will be replaced. It was evident from the site visit that the only location to build is where the trailer is located due to the rocky terrain towards the lake and the slope that leads up to the road.

The applicant is also installing a septic system which will be located north of the proposed building site and 30 metres from Chippego Lake.

KFL&A Public Health have no objection to the minor variance. Quinte Conservation Authority has no objection to the minor variance as presented.

The committee approved the application with conditions.

Resolution #85
Moved by Heather Fox ***Seconded by Wayne Millar***

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-22-12, Pt. Lot 8, Concession 11, Yvon Bernard to reduce the front yard setback (with shoreline frontage) from 30 meters to 24 metres to allow for the construction of a new 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 and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***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 should remain in place until all disturbed areas have been stabilized and re-vegetated.***

3. ***Excavated material shall be disposed of well away from the lake.***

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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.***

Resolution #85 continued:

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the dwelling is to be located as far from Chippego Lake as possible taking into account the rocky terrain.**

2. **General intent is to maintain a reasonable setback given that this is an existing lot of record and the proposed dwelling will be located as far as possible from the lake.**

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 being heard was minor variance application A-24-12, Pt. Lot 8, Concession 5, Curtis Carson who is requesting a reduction from the front yard setback with shoreline frontage from 30 metres to 22.8 metres for the dwelling, and from 30 metres to 20 metres for the class 1 septic system (pit privy).

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. The variance being requested is to allow for the small dwelling/cabin which was built without a permit. This will bring the structure and lot into conformity with the zoning by-law. The owner plans on building a main cottage down the road but in the meantime would like to continue using the existing structure.

KFL&A Public Health was not circulated as the applicants have a Class 1 septic system (Pit Privy) which does not need approval. Approval will be required once the new cottage is built.

The committee approved the application with conditions.

Resolution #86
Moved by Jeff Matson ***Seconded by Heather Fox***

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-24-12, Pt. Lot 8, Concession 5, Curtis Carson to reduce the front yard setback (with shoreline frontage) from 30 meters to 22.8 metres for the dwelling; and from 30 metres to 20 metres for the class 1 septic system (pit privy) be approved subject to the following conditions and reasons:

Resolution #86 continued:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***The shoreline vegetated buffer shall be retained to a minimum depth of 15 metres, to mitigate the effects of erosion and surface runoff into the wetland.***

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment even as the dwelling will be located 22.8metres from the Horseshoe Lake. It will also serve to maintain the lake.**

2. **General intent is to maintain a reasonable setback given the proposed dwelling will be setback as far back as possible taking into account the rock outcrop and the steep slope.**

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 last application being heard was minor variance application A-13-12, Pt. Lot 15 & 16, Concession 9, John Keen who is requesting to reduce the waterside setback from 30 metres to 15 metres for the purpose of constructing a "Dry Marine Storage Unit" as per section 5.6.2 of Zoning By-law 2011-52 and to permit an accessory use on a separate lot of record where there is no main use per Section 4.1.1 (j).

Sunil Mathai of Falconer Charney agent for John Keen appeared before the committee by Skype. Glenn Tunnock Township planning consultant was also present.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer began by confirming with Mr. Mathai that he had received the staff report and Glenn Tunnock's planning report. Cathy then suggested that he proceed.

Mr. Mathai mentioned why the variance should be approved and proceeded to go through sections of Glenn's report in detail.

- He believes the diagram provided with the application was sufficient as a site plan.
- Pg. 10 – no setback requirement from shoreline and he agrees with this.
- Pg. 5 – reviewed the sketch and indicated that they plan to remove the existing building. He believes they do not need minor variance for shoreline or side yard.
- He noticed from Glenn's report and staff report there is a real concern having an accessory building on the lot as he believes it is accessory to the main building across the road even though they are separate lots
- Pg. 11 – The Intent of the plan:
  - Marine Dry dock will not affect the water
  - Aesthetic can be protected through choice of building materials
  - intend avoid development on undersized lots, no issue of setback

  Pg. 13 – Vegetation and Ribbon of Life – would cooperate and intend to remove the building that is there and replace with a dry marine unit.

  Pg. 14 – Minimum lot area: to use the land for accessory uses and believes this is the minor variance for boat storage only. Do not need large lot for intended use so therefore, is minor.

Glenn Tunnock then responded to Mr. Mathai comments.
The application is deficient in lot area – it is too small for the proposed use.

- **Accessory use** – the concept having an accessory use on one lot and another on a separate lot is not acceptable the accessory use cannot be on another lot from the main use. The policy is that both have to be on the same property. Accessory by definition implies that there must be a main use on the lot
- **Setback – Lot frontage** – a waterfront lot has to meet 91 metres on the waterside and the road side. This is a new structure and the rear yard is 7.5 metres which needs to be qualified.
- **Water setback** – based on principle there is no setback for boat house. Dry Marine facility is not defined in the by-law. Minimum setback for a building is 30 metres but may be reduced to a minimum of 15 metres if the established building line is 15 metres.
- **Policy** – part of the lot is within the flood plain and therefore the facility cannot be located in a flood plain. Quinte Conservation Authority is not prepared to issue a permit as it is in the flood plain.
- **Vegetation** is essential along the shoreline to protect the ecology.

  Glenn explained that there are outstanding issues with this application and if approved a building permit cannot be issued because there are other variances required.

Mr. Mathai mentioned that he does not take issue with Mr. Tunnock's comments:
Regarding size – 1950 sq m compared to 400 sq m. He is requesting a deferral to allow time to submit another application as it will allow him time to review the size.
Also, mentioned that they would move the facility closer to the shoreline from the road.

Mr. Mathai stated that Dry Marine Facility is not defined and does the committee have the authority to approve a use that is not defined in the by-law.

The Chair asked if any member had anything to ask of either Mr. Mathai or Mr. Tunnock. There were no questions raised so the chair read the resolution.

Resolution #87
Moved by Wayne Millar ***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-13-12, Pt. Lot 15, Concession 9, John Keen who is requesting to reduce the waterside setback from 30 metres to 15 metres for the purpose of constructing a "Dry Marine Storage Unit" as per section 5.6.2 of Zoning By-law 2011-52 and to permit an accessory use on a separate lot of record where there is no main use per Section 4.1.1 (j) be denied for the following reasons:

1. **General intent and purpose of the Official Plan is to maintain shoreline riparian areas within their natural state except that they may be interrupted to permit the construction of a wharf, dock or boat house. However, the Plan anticipates that the lot area will be of a sufficient size for the development that is proposed and that structures or buildings such as docks and boat houses are accessory uses to a principle use of the lot. The proposed use of the land does not comply with the official plan since the Plan does not contemplate accessory uses on lots separated from the main use nor does the Plan permit development on undersized lots.**

   Permitting an accessory use as a main use raises the question as to what additional use would be made of the land which might exacerbate the intensity of development on an undersized lot. For example, would boats or other recreational equipment be stored on the lot. Would a dock be constructed?

   The more intense the use of the lot, the less opportunity there would be to conserve or improve on the ecological function of the lot since the land used for a vegetative buffer would be reduced. The property has an electrical service and the potential exists for the conversion of the building to some other use if the principle of development has been established on the lot. Therefore, the proposed application does not meet the requirements of the first test.

Resolution #87 continued:

2. **General intent and purpose of the Zoning By-law cannot be met because a standalone accessory use is not permitted in the absence of a primary use and the lot is substantively undersized for any use.**

3. **The application is intended to authorize a change of use. There is a question as to whether a minor variance can be used for this purpose; hence the variance is not minor.**

4. **Is the building or structure desirable for the appropriate development or use of land? The application proposes a land use that is not permitted hence the development is not an appropriate use of land. It is not desirable or appropriate to use a significantly undersized lot for an accessory use where no main use is or could be established.**

Carried

Resolution #88

Moved by John Purdon ***Seconded by Heather J. Fox***

That this meeting be adjourned until 6:00 p.m. January 17, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for December 13, 2012

(Sharbot Lake)

Resolution # 79

Moved by _____ ***Seconded by*** _____

THAT the agenda be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment December 13, 2012

Resolution # 80

Moved by John Purdon ***Seconded by*** Wayne Millar

That Severance Application B-02-12-KE, Pt. Lot 19, Conc. 8, Denis Gillen 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 one copy of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

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

Carried ✓

Deferred _____

Refused _____

Chairperson Fran Smith

Resolution # 81

Moved by _____ ***Seconded by*** _____

That Severance Application B-03-12-KE, Pt. Lot 19, Conc. 9, Denis Gillen 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 one copy 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. ***In accordance with section 50(12) of the Planning Act, the deed 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

   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 December 13, 2012

Resolution # 82

Moved by _____ ***Seconded by*** _____

That Severance Application B-16-12-OS, Lot 8, Conc. 7, Estate of James Sinclair Marshall 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 the right of way be registered on title to the property over which it passes and the property to which it gives access.***

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

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 83

Moved by Heather Fry ***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-25-12, Pt. Lot 9, Concession 2 – Barbara Driscoll to reduce the setback from a front yard setback with shoreline frontage from 30 m to 10.36 m and from the rear yard setback from 7.5 m to 0 to build an attached garage be approved subject to the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the Following and further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

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 revegetated.***

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 outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.***

5. ***With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained and enhanced, to a minimum depth of 3 meres, with deeply rooted native vegetation. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.***

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the garage will be placed as far away from the water as the lot will allow and will be in kept in line with the existing structure. It will also serve to maintain the existing shoreline.**

2. **General intent is to maintain a reasonable setback given the proposed dwelling is being replaced on the same footprint as the existing dwelling which was already within the 30 metre setback and the proposed garage is being located as far away from the water as possible due to the configuration of the lot.**

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 waterfront uses.**

Carried ✓

Deferred _____

Refused _____

Chairperson Fran Smith

Resolution # 84

Moved by Heather Fry ***Seconded by*** Jeff Mud

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-23-12, Pt. Lot 6 & 7, Concession 2 – David Tyers to reduce the setback from a front yard setback with shoreline frontage from 30 m to 9.45 m to allow for an addition to be built on the 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 and further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***There shall be no additional footprint permitted within the 30 m water body setback with any hardened structures, including decks and porches.***

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 should remain in place until all disturbed areas have been stabilized and re-vegetated.***

3. ***Excavated material shall be disposed of well away from the lake.***

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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state. It is recognized that this is an existing island and is occupied by an existing dwelling (cottage). The new septic system will meet the 30 metre setback requirement and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.**

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The cottage is built on the point and the proposed addition falls within the water setback. However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met. To this extent the second test will be met.**

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the addition of a porch is appropriate development and meets the fourth test.**

Carried ✓

Deferred_____

Refused_____

Chairperson Fran Smith

Resolution # 85

Moved by Heather Fox ***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-22-12, Pt. Lot 8, Concession 11 – Yvon Bernard to reduce the setback from a front yard setback with shoreline frontage from 30 m to 24 m to allow for the construction of a new 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 and further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***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.***

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the dwelling is to be located as far from Chippego Lake as possible taking into account the rocky terrain.**

1. **General intent is to maintain a reasonable setback given that this is an existing lot of record and the proposed dwelling will be located as far as possible from the lake.**

2. **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.**

3. **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 # 86

Moved by Jeff Smith ***Seconded by*** Heather Fay

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-24-12, Pt. Lot 8, Concession 5 – Curtis Carson to reduce the setback from a front yard setback with shoreline frontage from 30 m to 22.8 m for the dwelling; and from 30 m to 20 m for the class 1 septic system (pit privy) be approved subject to the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the Following and further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***The shoreline vegetated buffer shall be retained to a minimum depth of 15 metres, to mitigate the effects of erosion and surface runoff into the wetland.***

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment even as the dwelling will be located 22.8 metres from the Horseshoe Lake. It will also serve to maintain the lake.**

2. **General intent is to maintain a reasonable setback given the proposed dwelling will be setback as far back as possible taking into account the rock outcrop and the steep slope.**

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 Shaun Smith

Resolution # 87

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, Pt. Lot 15 & 16, Concession 9 – John Keen to reduce the waterside setback from 30 m to 15 m for the purpose of constructing a "Dry Marine Storage Unit" as per section 5.6.2 of Zoning By-Law 2011-52 and to permit an accessory use on a separate lot of record where there is no main use per Section 4.1.1.(j) be denied for the following reasons:

1. **General intent and purpose of the Official Plan is to maintain shoreline riparian areas within their natural state except that they may be interrupted to permit the construction of a wharf, dock or boat house. However, the Plan anticipates that the lot area will be of a sufficient size for the development that is proposed and that structures or buildings such as docks and boat houses are accessory uses to a principle use of the lot. The proposed use of the land does not comply with the official plan since the Plan does not contemplate accessory uses on lots separated from the main use nor does the Plan permit development on undersized lots.**

   Permitting an accessory use as a main use raises the question as to what additional use would be made of the land which might exacerbate the intensity of development on an undersized lot. For example, would boats or other recreational equipment be stored on the lot. Would a dock be constructed? The more intense the use of the lot, the less opportunity there would be to conserve or improve on the ecological function of the lot since the land used for a vegetative buffer would be reduced. The property has an electrical service and the potential exists for the conversion of the building to some other use if the principle of development has been established on the lot. Therefore, the proposed application does not meet the requirements of the first test.

2. **General intent and purpose of the Zoning By-law cannot be met because a standalone accessory use is not permitted in the absence of a primary use and the lot is substantively undersized for any use.**

3. **The variance is minor? The application is intended to authorize a change of use. As indicated, there is a question as to whether a minor variance can be used for this purpose; hence the issue of minor is redundant for this application.**

4. **Is the building or structure desirable for the appropriate development or use of land? The application proposes a land use that is not permitted hence the development is not an appropriate use of land.**

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 88

Moved by Jeff Smith ***Seconded by*** Heather Fox

That this meeting be adjourned until 6:00 p.m. January ~~14~~ JAN 17th. at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓

Deferred _____

Refused _____

Chairperson Frances Smith

COMMITTEE OF ADJUSTMENT

THURSDAY NOVEMBER 15, 2012 – 6:00 P.M.

MUNICIPAL OFFICE, ELIZABETH STREET - SHARBOT LAKE

1) **Call to order (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:**

7) **Applications for minor variance:**

   A-20-12 – Ken Disley– reduction from front yard setback - deferred

   A-21-12 – Barrie Chalmers – reduction from side yard setback - deferred

8) **Other planning business : Keen Minor Variance Application**

9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – November 15, 2012

Committee of Adjustment met on November 15, 2012 at 6:00 p.m. at the Municipal Office in Sharbot Lake.

Present: Frances Smith, Wayne Millar, John Purdon,

Absent: Janet Gutowski Jeff Matson Tom Dewey, William Snyder, Heather Fox, Normand Guntensperger

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer

Public in attendance: Ken Disley

The purpose of the meeting is to discuss two (2) minor variance applications.

Frances Smith, chair called the meeting to order at 6:00 p.m.

The agenda was introduced.

Resolution #74
Moved by John Purdon Seconded by Wayne Millar
That the agenda be adopted as presented.
Carried

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

Resolution #75
Moved by John Purdon Seconded by Wayne Millar
That the minutes of August 30, 2012 and October 11, 2012 be adopted as presented.
Carried

The first application being heard was minor variance application A-20-12, Pt. Lots 11, Concession 11, Ken Disley who is requesting to reduce the setback from the front yard setback with shoreline frontage from 30 metres to 14.02 metres to the proposed new cottage and 27 metres to 10.98 metres to the new deck. Mr. Disley was present for the discussion.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer explained briefly that during the site visit by staff and Mississippi Valley Conservation Authority that there is a high steep slope which leads to the lake with minimal vegetation. The existing cottage is built into the slope while to the rear (roadside) of the cottage an open area of land very gradually rises over a distance of more than 20 feet to the access road.

Cathy mentioned that Mississippi Valley Conservation Authority indicated in their report that given the height and steepness of the slope leading to the lake it falls under the definition of a potential erosion hazard and therefore recommends that the applicant demonstrate one of the following: The new location of the proposed cottage is beyond the erosion hazard limit as defined or the results of a geotechnical investigation demonstrate that development can safely proceed without compromising the stability of the slope in its current state. This study must be completed by a qualified engineer.

The committee mentioned to Mr. Disley that they would defer his application to allow him the opportunity to review his options further and speak with Mississippi Valley Conservation Authority.

Mr. Disley informed the committee that he will speak with Diane Reid of the Conservation Authority to understand their comments further.

The committee deferred the application.

Resolution #76
Moved by John Purdon ***Seconded by Wayne Millar***

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-20-12, Pt. Lot 11, Concession 11, Ken Disley to reduce the front yard setback (with shoreline frontage) from 30 metres to 14.02 metres to the proposed new cottage and 27 metres to 10.98 metres to the new deck be deferred to allow the applicant an opportunity to review the comments from the Mississippi Valley Conservation Authority who have provided a couple of options to the applicant.

Carried

Cathy MacMunn, Planning Coordinator/Secretary Treasurer mentioned that the next application at Pt. Lot 10, Concession 1, Barrie Chalmers to reduce the setback from a wetland from 30 metres to 20 metres be deferred to allow Mr. Chalmers an opportunity to revise his sketch and to meet with the KFL&A Public Health.

The committee deferred the application.

Resolution #77
Moved by Wayne Millar ***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-21-12, Pt. Lot 10, Concession 1, Barrie Chalmers to reduce the setback from a wetland from 30 metres to 20 metres be deferred to allow the applicant an opportunity to revise his sketch and to meet with the KFL&A Public Health.

Carried

Cathy then informed the committee that the Keen minor variance application that was deferred previously will be on the agenda for December 13, 2012.

The committee requested Cathy to provide them with a copy of all reports pertaining to the Keen property.

No further planning business was brought forth.

Resolution #78

Moved by John Purdon ***Seconded by Wayne Millar***

That this meeting be adjourned until 6:00 p.m. December 13, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for November 15, 2012

(Sharbot Lake)

Resolution # 74

Moved by _____ ***Seconded by*** _____

THAT the agenda be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution # 75

Moved by _____ ***Seconded by*** _____

THAT the minutes of August 30, 2012 and October 11, 2012 be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution # 76

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-20-12, Pt. Lot 11, Concession 11 – Ken Disley to reduce the front yard setback (with shoreline frontage) from 30 metres to 14.02 metres to the proposed new cottage and 27 metres to 10.98 metres to the new deck be deferred to allow the applicant an opportunity to review the comments from the Mississippi Valley Conservation Authority who have provided a couple of options to the applicant.

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution # 77

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-21-12, Pt. Lot 10, Concession 1 – Barrie Chalmers to reduce the setback from a wetland from 30 metres to 20 metres be deferred to allow the applicant an opportunity to revise his sketch and to meet with the KFL&A Public Health.

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution # 78

Moved by _____ ***Seconded by*** _____

That this meeting be adjourned until 6:00 p.m. December 13, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓

Deferred _____

Refused _____

Chairperson _____

COMMITTEE OF ADJUSTMENT

THURSDAY OCTOBER 11, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) Call to order (Chair)

2) Approval of Agenda

3) Disclosure of pecuniary interest

4) Minutes of previous meeting – provided at the meeting

5) Unfinished/Old business and business arising from the minutes

6) Applications for consent:

   B-14-12-HI – William Snyder – lot addition

   B-15-12-HI – Bradley & Christina Smith – new lot

7) Applications for minor variance:

   A-17-12 – Jane VandenBerg– reduction from front yard setback

   A-18-12 – Gilmour (Terry) Cooper – reduction from front yard setback

   A-19-12 – Patrick O'Flaherty – reduction from front yard setback

8) Other planning business – McIntosh, Perry - Kennebec Lake

9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes –October 11, 2012

Committee of Adjustment met on October 11, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Jeff Matson, W.P. Snyder, Tom Dewey, John Purdon, Wayne Millar, Heather Fox and Janet Gutowski

Absent: Frances Smith and Normand Guntensperger

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer

Public in attendance: Sharon Snyder, Tom MacDonald, Terry Cooper, Ralph VandenBerg, Barbara Driscoll and John Earhart.

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

Resolution #
Moved by John Purdon ***Seconded by Wayne Millar***
That Jeff Matson act as Chair for this evenings meeting.
Carried

Jeff Matson called the meeting to order at 6:00 p.m.

Resolution #
Moved by John Purdon ***Seconded by Wayne Millar***
That the agenda be adopted as amended.
Carried

Bill Snyder declared a pecuniary interest on severance application B-14-12-HI and left the table for the discussion.

The first application being heard was consent application B-14-12-HI, Lot 1, Conc. 4, William and Sharon Snyder. Cathy MacMunn, Planning Coordinator led the committee through the application explaining that the proposed consent application is being severed as a lot addition from the applicant's existing pasture lands to his and his spouses existing residential lot.

The committee did raise a question regarding the zoning and whether or not an amendment is necessary as the dwelling is within the R1Zone while the pasture lands are within the Rural Zone.
Cathy did not see a concern at this point but noted that if changed in the next update of the Zoning By-law.

KFL&A Public Health has no objection to the proposed lot addition.

A report had not been received by the Quinte Conservation Authority at the time of the meeting.

The committee approved the application with conditions.

Resolution #

Moved by Wayne Millar *Seconded by John Purdon*

That Severance Application B-14-12-HI, Lot 1, Conc. 4, William Snyder be approved subject to the following conditions:

1. *That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.*

2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*

3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*

4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*

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

   If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 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 shall state that subsection 50(3) or subsection 50(5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.*

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

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

   In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped

deed that will prohibit the two parcels from being conveyed or transferred independently of each other.

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

Carried

The second application being heard was consent application B-15-12-HI, Pt. Lot 4 & 5, Conc. 6, Bradley & Christina Smith.

Cathy MacMunn, Planning Coordinator led the committee through the application. 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. There is an existing dwelling on the severed parcel while the retained lands has frontage on the Davey Road.

The committee did raise a question regarding the sketch that accompanied the application as it indicates the lands are within Lot 5 & 6 and not Lot 4 & 5 as stated on the application. Tom MacDonald agent for the Smith's mentioned that the application is correct and the sketch is not accurate.

The KFL&A Public Health has no objections to the proposed severance.

A report had not been received by the Quinte Conservation Authority at the time of the meeting.

The committee approved the application with conditions.

Resolution #

Moved by Wayne Millar Seconded by John Purdon

That Severance Application B-15-12-HI, Pt. Lot 4 & 5, Conc. 6, Bradley & Christina Smith be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives 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

The next application heard was minor variance application A-17-12, Pt. Lot 9, Conc. 2 – Jane & Ralph VandenBerg who is requesting relief from the high water mark from 30 m to 4.4 m to permit a screened in enclosure on an existing deck and from 30 m to 6.8 m to reduce the water side setback and to reduce the rear yard from 1 m to 0 on the road side to permit the construction of a single bay garage. Mr. VandenBerg was present for the discussion.

Cathy MacMunn, Planning Coordinator led the committee through the application. The original cottage had a screened-in porch on the west side as the proposed porch; however a porch on this side of the current residence is not feasible given the location of the tertiary sewage disposal system. The intent of the applicant is to locate a screened in porch adjacent to the kitchen on the existing deck as this is the most practical location given the adjacent existing sliding doors and the proximity of the proposed porch for an external eating area.

The driveway is located on the west side of the lot which drops substantively to the north side of the driveway to the lake and the corresponding slope is also heavily treed. The driveway has a gravel surface and is used for winter storage of a boat. The proposed garage would be built on the existing graveled surface as remote as it possible from the lake given the shallow depth of the lot. Mississippi Valley Conservation Authority recommended approval and outlined conditions to be included in the decision.

KFL&A Public Health has no objection to the proposed variance.

The committee asked how the garage is to be accessed via the water or the road. Mr. VandenBerg stated that the access will be from the road and further stated that the garage is to be used to house his boat.

The committee but did approve the application with conditions.

Resolution #

Moved by Tom Dewey *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-17-12, Pt. Lot 9, Concession 2 – Jane & Ralph VandenBerg to reduce the setback from the high water mark from 30 m to 4.4 m to allow for an existing deck to be enclosed as a screened porch, and a reduction from the high water mark from 30 m to 6.8 m and to reduce the rear yard from 1 m to 0 for a garage be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. **There shall be no additional footprint permitted within the 30 m water body setback with any hardened structures, including decks and porches.**

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 should remain in place until all disturbed areas have been stabilized and re-vegetated.**

3. **Excavated material shall be disposed of well away from the lake.**

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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.**

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state.**

1. **Continued:**

   It is recognized that this is an existing lot of record occupied by an existing dwelling (cottage) and an existing sewage disposal field (leaching bed); given that there is no alternative location for the garage, given that there is no further reduction in the setback required for the porch and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The lot is undersized and the lot constraints of the lesser depth from the lake make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. The site plan agreement must also address the direction of the drainage away from the lake. Reducing the road side variance from 1 m to 0 m will ensure that the distance to the shoreline for the garage is maximized. To this extent the second test will be met.**

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the addition of a garage as a typical accessory use coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried

The second minor variance application heard was A-18-12, Pt. Lot 7, Concession 10 – Gilmour (Terry) Cooper to reduce the front yard setback with shoreline frontage from 30 m to 14.6 m to the existing cottage/deck; reduction for a wetland from 30 m to 16 m for the addition; and 30 m to 18 m for the proposed garage. Mr. Cooper was present for the discussion.

Cathy MacMunn, Planning Coordinator led the committee through the application. She explained that the variance being requested is to permit an addition to be built an existing cottage and to construct an attached garage. There is a large wetland to the west and south of the lot. The subject lands are occupied by two cottages with the main cottage requesting the variances. The shoreline in front of the cottage is in a naturalized state with little disturbance to the vegetation. We would recommend that the vegetation be left in its natural state along the wetland as well as at Chippego Lake which can be achieved through the development agreement.

The proposed addition will replace a rotten bathroom at the rear of the original cottage with a new bedroom, dining room and a 2 car garage. The proposed addition and garage will be wheel chair accessible.

The staff conducted a site visit and as a result believe the addition and garage are reasonable provided the applicant enters into a development agreement to retain the vegetation and that no additional footprint will be permitted within the 30 m water body setback of Chippego Lake and the wetland with any hardened structures, including decks and porches than presently exists.

KFL&A Public Health has no objection to the proposed variance as a new septic system has been installed.

A report had not been received by the Quinte Conservation Authority at the time of the meeting.

The committee asked where the septic system is located to be assured that it meets the 30 m setback from the wetland and Chippego Lake. Cathy mentioned that the Public Health Inspector would not have approved the septic system prior to the variance if it did not meet the required setback.

The committee approved the application with conditions.

Resolution #
Moved by W.P. Snyder ***Seconded by Tom Dewey***

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-18-12, Pt. Lot 7, Concession 10 – Gilmour (Terry) Cooper to reduce the front yard setback (with shoreline frontage) from 30 m to 14.6 m to the existing cottage/deck; reduction for a wetland from 30 m to 16 m for the addition; and 30 m to 18 m for the proposed garage be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. **There shall be no additional footprint permitted within the 30 m water body setback of both Chippego Lake and the wetland with any hardened structures, including decks and porches.**

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 should remain in place until all disturbed areas have been stabilized and re-vegetated.**

3. **Excavated material shall be disposed of well away from the lake.**

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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.**

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state. It is recognized that this is an existing lot of record occupied by an existing dwelling (cottage) and an existing sewage disposal field (leaching bed); given that there is no alternative location for the garage, given that there is no further reduction in the setback required for the existing deck and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.**

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The lot is undersized and the lot constraints of the lesser depth from the lake and the wetland make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. The site plan agreement must also address the direction of the drainage away from the lake and the wetland. To this extent the second test will be met.**

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the proposed addition to the cottage and that of a garage as a typical accessory use coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried

The third minor variance application heard was A-19-12, Pt. Lot 7, Concession 11 – Patrick O'Flaherty to reduce the front yard setback with shoreline frontage from 30 m to 15 m to the proposed addition.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. The variance being requested is to permit an addition to be built on the east side of the existing cottage. The addition will keep in line with the cottage and not project into the water setback than presently exists. The property is located on Dwyer Lane. The subject land is occupied by a cottage, a Bunkie and storage shed. The shoreline in front of the cottage is in a naturalized state with little disturbance to the vegetation. The screened porch is being converted into a bedroom, bathroom and storage. The proposed addition is being added to the cottage on the east side next to the screened porch and will be incorporated into the bedroom, bathroom and storage.

A new septic system has been installed at the rear of the lot adjacent to the driveway which meets the 30 metre setback requirement. Staff conducted a site visit and as a result believe the addition is reasonable taking into account that it will be added to an existing cottage and not be going any closer to the lake but recommend that the standard conditions apply which is the applicant enter into a development agreement to retain the vegetation at the shoreline and mitigative measures be in place during construction and that no additional footprint will be permitted within the 30 m water body setback of Chippego Lake with any hardened structures, including decks and porches.

KFL&A Public Health has no objection to the proposed variance.

A report had not been received by the Quinte Conservation Authority at the time of the meeting. The committee mentioned that the existing deck is 10 feet closer to the water and questioned whether or not the measurement to the deck should have been included in the calculation. Cathy to confirm this.

The committee approved the application with conditions.

Resolution #
Moved by Tom Dewey ***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-19-12, Pt. Lot 7, Concession 11 – Patrick O'Flaherty to reduce the front yard setback (with shoreline frontage) from 30 m to 15 m to the proposed addition be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. **There shall be no additional footprint permitted within the 30 m water body setback of both Chippego Lake with any hardened structures, including decks and porches.**

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 should remain in place until all disturbed areas have been stabilized and re-vegetated.**

3. **Excavated material shall be disposed of well away from the lake.**

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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.**

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state. It is recognized that this is an existing lot of record occupied by an existing dwelling (cottage) and an existing sewage disposal field (leaching bed); given that there is no alternative location for the addition, given that there is no further reduction in the setback required for the existing deck and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.**

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The lot is undersized and the lot constraints of the lesser depth from the lake make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area.**

The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. The site plan agreement must also address the direction of the drainage away from the lake. To this extent the second test will be met.

FOR THE FOLLOWING REASONS CONTINUED:

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the proposed addition to the cottage coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried

The other planning business mentioned was the proposed Subdivision for Kennebec Lake. Cathy informed the committee that the County of Frontenac has received an objection to the draft plan of subdivision by Chris Sobanski. Committee member Jeff Matson informed the committee that Mr. Sobanski contacted him regarding his potential conflict of interest regarding this development. Mr. Matson mentioned that he does not have a conflict as the company he works with has no association with this development.

No further planning business was brought forth.

Resolution #

Moved by Tom Dewey ***Seconded by W.P. Snyder***

That this meeting be adjourned until 6:00 p.m. November 15, 2012 at the Soldiers Memorial Hall, Sharbot Lake

Carried

Chairperson

Secretary-Treasurer

Resolution # 66

Moved by _____ ***Seconded by*** _____

THAT JEFF MATSON ***act as Chair for this evenings meeting.***

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for October 11, 2012

(Sharbot Lake)

Resolution # 67

Moved by John Purdon ***Seconded by*** Wayne O'Millen

THAT the agenda be adopted as

Presented _____

Amended ✓

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution # 68
Moved by _____ ***Seconded by*** _____

That Severance Application B-14-12-HI, Lot 1, Conc.4, William Snyder be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

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

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

   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*_____

Resolution #

Moved by _____ ***Seconded by*** _____

That Severance Application B-15-12-HI, Pt. Lot 4 & 5, Conc. 6, Bradley & Christina Smith be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives 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 if filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution #70

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-17-12, Pt. Lot 9, Concession 2, Jane & Ralph VandenBerg to reduce the setback from the high water mark from 30 m to 4.4 m to allow for an existing deck to be enclosed as a screened porch, and a reduction from the high water mark from 30 m to 6.8 m and to reduce the rear yard from 1 m to 0 for a garage be approved for the following conditions and reasons:

That the applicant enters into a site plan development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***There shall be no additional footprint permitted within the 30 m water body setback with any hardened structures, including decks and porches.***

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state. It is recognized that this is an existing lot of record occupied by an existing dwelling (cottage) and an existing sewage disposal field (leaching bed); given that there is no alternative location for the garage, given that there is no further reduction in the setback required for the porch and given that the shoreline has**

been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The lot is undersized and the lot constraints of the lesser depth from the lake make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. The site plan agreement must also address the direction of the drainage away from the lake. Reducing the road side variance from 1 m to 0 m will ensure that the distance to the shoreline for the garage is maximized. To this extent the second test will be met.**

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the addition of a garage as a typical accessory use coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment, October 11, 2012

Resolution # 71

Moved by W. P. Snyder ***Seconded by*** [illegible]

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-18-12, Pt. Lot 7, Concession 10, Gilmour (Terry) Cooper to reduce the front yard setback (with shoreline frontage) from 30 m to 14.6 m to the existing cottage/deck; reduction for a wetland from 30 m to 16 m for the addition; and 30 m to 18 m for the proposed garage be approved for the following conditions and reasons:

That the applicant enters into a site plan development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. **There shall be no additional footprint permitted within the 30 m water body setback of both Chippego Lake and the wetland with any hardened structures, including decks and porches.**

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 should remain in place until all disturbed areas have been stabilized and re-vegetated.**

3. **Excavated material shall be disposed of well away from the lake.**

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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.**

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state. It is recognized that this is an existing lot of record occupied by an existing dwelling (cottage) and an existing sewage disposal field (leaching bed); given that there is no alternative location for the garage, given that there is no further reduction in the setback required for the existing deck and given that the**

shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The lot is undersized and the lot constraints of the lesser depth from the lake and the wetland make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. The site plan agreement must also address the direction of the drainage away from the lake and the wetland. To this extent the second test will be met.**

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the proposed addition to the cottage and that of a garage as a typical accessory use coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution # 72

Moved by Tom Lavery ***Seconded by*** W. R. 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-19-12, Pt. Lot 7, Concession 11, Patrick O'Flaherty to reduce the front yard setback (with shoreline frontage) from 30 m to 15 m to the proposed addition be approved for the following conditions and reasons:

That the applicant enters into a site plan development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. **There shall be no additional footprint permitted within the 30 m water body setback of both Chippego Lake with any hardened structures, including decks and porches.**

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 should remain in place until all disturbed areas have been stabilized and re-vegetated.**

3. **Excavated material shall be disposed of well away from the lake.**

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. 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 allow for maximum infiltration. The naturalized shoreline be retained in its current state.**

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state. It is recognized that this is an existing lot of record occupied by an existing dwelling (cottage) and an existing sewage disposal field (leaching bed); given that there is no alternative location for the addition, given that there is no further reduction in the setback required for the existing deck and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.**

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state by establishing a 30 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The lot is undersized and the lot constraints of the lesser depth from the lake make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. The site plan agreement must also address the direction of the drainage away from the lake. To this extent the second test will be met.**

3. **The continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The modest development of this property with the proposed addition to the cottage coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Resolution # 73

Moved by W.P. Snyder ***Seconded by*** Somerville

That this meeting be adjourned until 6:00 p.m. November 15***, 2012 at the Soldiers Memorial Hall, Sharbot Lake.***

Carried ✓

Deferred _____

Refused _____

Chairperson _____

COMMITTEE OF ADJUSTMENT

THURSDAY AUGUST 30, 2012 – 6:30 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) **Call to order (Chair)**

2) **Approval of Agenda**

3) **Disclosure of pecuniary interest**

4) **Minutes of previous meeting – will be available at the September meeting**

5) **Unfinished/Old business and business arising from the minutes**

6) **Applications for consent:**

   Nil

7) **Applications for minor variance:**

   A-16-12 – Limestone District School Board (K-12 school)
   reduction from a wetland; and to reduction in the number of parking spaces

8) **Other planning business** – September meeting change from Sept. 13th to 27th!

9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – August 30, 2012

Committee of Adjustment met on August 30, 2012 at 6:30 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, Tom Dewey, William Snyder, John Purdon, Janet Gutowski, Heather Fox

Absent: Normand Guntensperger

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer, Alan Revill, Deputy Chief Building Official and Glenn Tunnock, Planning Consultant. Also in attendance Ray Zaback from Shoalts & Zaback Architects, Dave Fowler from the Limestone District School Board and Ann Goodfellow, Trustee with the Limestone District School Board.

Public in attendance: Greg Gable, Darren & Pam Ferguson

The purpose of the meeting is to discuss the minor variance for the Limestone District School Board.

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

The agenda was introduced.

Resolution #
Moved by W.P. Snyder ***Seconded by Tom Dewey***
That the agenda be adopted as amended.

Carried

Cathy MacMunn, Planning Coordinator introduced the minor variance for the Limestone District School Board and then turned it over to Glenn Tunnock, Township Planning Consultant to go through his report.

Glenn explained that the variance being requested is to reduce the required number of parking spaces from 121 to 100 and; to reduce the setback from a wetland from 30 m to 9.5 m. The variances are required to permit the construction of a replacement school in Sharbot Lake.

Glenn mentioned that Section 45 (1) of the *Planning Act* requires the Committee to consider 4 tests in evaluating an application for a minor variance. He proceeded to explain how the application meets the general intent and purpose of the Official Plan and Zoning By-law, why the variance is considered minor and how the building or structure is desirable for the appropriate development or use of land. Copy of the report is in the file for future reference.

Committee member John Purdon asked Glenn Tunnock about the parking spaces calculation and should it be based on 1 space for 6 occupied hence 35 spaces. Glenn explained that he looked at the occupant load and non-fixed tables instead of the number in the zoning by-law and what is reasonable. Presently, there are 41 spaces.

Dave Fowler, mentioned that the spaces are based on geographic area and statistical data such as enrolment of kids in September 2013, and not taking 3 schools into one.

Mississippi Valley Conservation Authority provided comments on the site plan as well as the variance which Cathy read aloud. Gary Cooke who is one of the adjacent land owners submitted a letter who was interested in receiving loads of fill to help landscape his yard as a lot of water runs off the school in the springtime onto his property.

No further comments came forth from the adjacent landowners.

The committee approved the application with conditions.

Resolution #12
Moved by Wayne Millar ***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-16-12, Pt. Lots 13 & 14, Concession 2, being part 1 on plan 13R-9683, Limestone District School Board to reduce the required number of parking spaces from 121 spaces to 100 spaces and; to reduce the setback from a wetland from 30 m to 9.5 m be approved for the following conditions and reasons:

CONDITIONS:

1. **That the applicant enters into a site plan agreement designed to implement mitigation measures for wildlife habitat and wetland protection and to ensure that the parking area is constructed as designed. All fees associated with the site plan application and legal fees to prepare the agreement are the responsibility of the applicant.**

FOR THE FOLLOWING REASONS:

1. **The intent of the official plan specifically permits educational facilities where there is a need. Such facilities must be located on larger lots with direct access onto a major street. Site plan control is to be used as a tool to address the location of parking and loading areas, landscaping, drainage, fire routes, on-site waste storage, services and lighting. The provision for access and parking to service the school, however meet the intended requirements of the Official Plan. The Plan does require that the habitat of endangered and threatened species be protected and that an evaluation be undertaken to determine the impacts of development on the habitat and the adjacent lands. The first test is met with respect to the school being a permitted use; that parking and access will be provided; and that the integrity of the existing wetland area and more particularly, that the habitat of Species of Risk will be protected. Therefore, the intent of the first test will require a site plan agreement.**

2. **It is believed that the general intent of the zoning by-law, will be met in meeting the parking provisions for school hour operations of the school in addition to providing additional spaces for casual limited or infrequent use of the gymnasium should this be required. With respect to the requirements of the zoning by-law in particular Section 4.24.1 (d) must be considered with Section 4 (23) (e) (i). The latter is part of the application for the variance to the setback requirements for a wetland. Therefore, it is believed that the by-law will be met since the new building will not be constructed in a wetland and that mitigating measures can be undertaken to avoid negative impacts on the ecological functions; also that additional habitat can be created. With respect to Section 4.24.1. (d), the by-law limits development within 120 m of the habitat of significant wildlife to a conservation use. Our understanding is that potential habitat has been identified but no inventory of the actual presence of the species has occurred, consequently, the regulatory control would be complied with.**

3. **The application, if approved, would provide for a variance that is 17.3 % for the reduced number of parking spaces and 68.3 % for the wetland setback. Provision of adequate parking for adequate school time activities as well as to accommodate infrequent non-operational (public) activities and the creation of the protection buffer through a site plan agreement will avoid negative impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **The intent of the official plan and zoning by-law is to permit the development of public service uses while at the same time protecting the integrity of the natural environment. The development of this property with the protection measures implemented through site plan control constitutes appropriate development and meets the fourth test.**

Carried

No further planning business was brought forth.

Resolution #

Moved by Heather Fox ***Seconded by W.P. Snyder***

That this meeting be adjourned until 6:00 p.m. September 27, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for August 30, 2012

(Sharbot Lake)

Resolution # 63

Moved by W. P. Snyder ***Seconded by*** [signature]

THAT the agenda be adopted as

Presented _____

Amended ✓

Carried ✓
Deferred _____
Refused _____

Chairperson [signature]

Resolution # 64

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-16-12, Pt. Lots 13 & 14, Concession 2, being part 1 on plan 13R-9683, Limestone District School Board to reduce the required number of parking spaces from 121 spaces to 100 spaces and; to reduce the setback from a wetland from 30 m to 9.5 m be approved for the following conditions and reasons:

CONDITIONS:

1. **That the applicant enters into a site plan agreement designed to implement mitigation measures for wildlife habitat and wetland protection and to ensure that the parking area is constructed as designed. All fees associated with the site plan application and legal fees to prepare the agreement are the responsibility of the applicant.**

FOR THE FOLLOWING REASONS:

1. **The intent of the official plan specifically permits educational facilities where there is a need. Such facilities must be located on larger lots with direct access onto a major street. Site plan control is to be used as a tool to address the location of parking and loading areas, landscaping, drainage, fire routes, on-site waste storage, services and lighting. The provision for access and parking to service the school, however meet the intended requirements of the Official Plan. The Plan does require that the habitat of endangered and threatened species be protected and that an evaluation be undertaken to determine the impacts of development on the habitat and the adjacent lands. The first test is met with respect to the school being a permitted use; that parking and access will be provided; and that the integrity of the existing wetland area and more particularly, that the habitat of Species of Risk will be protected. Therefore, the intent of the first test will require a site plan agreement.**

2. **It is believed that the general intent of the zoning by-law, will be met in meeting the parking provisions for school hour operations of the school in addition to providing additional spaces for casual limited or infrequent use of the gymnasium should this be required.**

With respect to the requirements of the zoning by-law in particular Section 4.24.1 (d) must be considered with Section 4 (23) (e) (i). The latter is part of the application for the variance to the setback requirements for a wetland. Therefore, it is believed that the by-law will be met since the new building will not be constructed in a wetland and that mitigating measures can be undertaken to avoid negative impacts on the ecological functions; also that additional habitat can be created. With respect to Section 4.24.1. (d), the by-law limits development within 120 m of the habitat of significant wildlife to a conservation use. Our understanding is that potential habitat has been identified but no inventory of the actual presence of the species has occurred, consequently, the regulatory control would be complied with.

3. **The application, if approved, would provide for a variance that is 17.3 % for the reduced number of parking spaces and 68.3 % for the wetland setback. Provision of adequate parking for adequate school time activities as well as to accommodate infrequent non-operational (public) activities and the creation of the protection buffer through a site plan agreement will avoid negative impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **The intent of the official plan and zoning by-law is to permit the development of public service uses while at the same time protecting the integrity of the natural environment. The development of this property with the protection measures implemented through site plan control constitutes appropriate development and meets the fourth test.**

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 65

Moved by Heather J. Fry ***Seconded by*** W. F. Snyder

That this meeting be adjourned until 6:00 p.m. September 27 ***, 2012 at the Soldiers Memorial Hall, Sharbot Lake.***

Carried V
Deferred _____
Refused _____

Chairperson Fran Smith

COMMITTEE OF ADJUSTMENT

THURSDAY AUGUST 9, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) **Call to order (Chair)**

2) **Approval of Agenda**

3) **Disclosure of pecuniary interest**

4) **Minutes of previous meeting – will be available at the September meeting**

5) **Unfinished/Old business and business arising from the minutes**

6) **Applications for consent:**

   Nil

7) **Applications for minor variance:**

   A-8-12 – Carl Neilsen – reduction from front yard setback (high water mark) deferred at the previous meeting

   A-11-12 – Sharon & David Pledger – reduction from front yard setback (high water mark) – deferred at the previous meeting

   A-13-12 – John Keen – reduction from the high water mark – to be deferred

   A-14-12 – RKY Camp – reduction from high water mark

   A-15-12 – John & Kelly Anderson – reduction from front yard setback (high water

8) **Other planning business** – meeting Aug 30th, committee of adjustment + council (site plan-school)

9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – August 9, 2012

Committee of Adjustment met on August 9, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, Tom Dewey, William Snyder, John Purdon, Heather Fox, Normand Guntensperger

Absent: Janet Gutowski

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer, Fred Langton, Chief Building Official

Public in attendance: Carl Neilsen, Sharon Snyder, Mary Kloosterman agent for RKY Camp

The purpose of the meeting is to discuss five (5) minor variance applications.

Frances Smith, chair called the meeting to order at 6:00 p.m.

The agenda was introduced.

Resolution #56
Moved by Normand Guntensperger Seconded by
That the agenda be adopted as amended.

Carried

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

The first application being heard was minor variance application A-8-12, Pt. Lots 13 & 14, Concession 2, being parts 1-5 on plan 13R-19131, Carl Neilsen who is requesting to reduce the setback from the high water mark from 30 metres to 10.36 metres for the cottage and 27 metres to 7.3 metres for the deck. This application was deferred at the July 19, 2012 meeting to allow Mr. Neilsen the opportunity to contact the Mississippi Valley Conservation Authority regarding their letter.

Mr. Neilsen presented a package to the committee which outlined what took place at the last meeting. He indicated that he had some comments on the letter from Mississippi Valley Conservation Authority and presented a copy of an email that the received from Diane Reid. He further explained that the Conservation Authority has no authority on the deck but if he works on the shoreline they have jurisdiction.

Mr. Neilsen also mentioned that he had concerns with Glenn Tunnock's supplementary report dated August 2, 2012 and believes he has not answered what a deck is example – a structure. Mr. Neilsen went on to state that the deck he is proposing is not a structure and if it was an accessory structure he would agree.

The committee heard Mr. Neilsen's comments and proceeded to read the resolution.

Resolution #57

Moved by Normand Guntensperger *Seconded by Wayne Millar*

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-8-12, Pt. Lots 13 & 14, Concession 2, being parts 1-5 on plan 13R-19131, Carl Neilsen to reduce the setback the high water mark from 30 metres to 10.36 metres for the cottage and 27 metres to 7.3 metres for the deck be denied for the following reasons:

1. ***The intent of the official plan is to conserve the first 30 m from the shoreline in its natural state or to reinstate the shoreline to a natural state. Maintaining the setbacks improves the ecological and visual quality of the shoreline and reduces or eliminates the flow of building run-off going directly into the water. The intent of the plan cannot be achieved by permitting further development within the 30 metre limited distance and to this extent; the first test of conformity to the general intent of the plan would not be met.***

2. ***The intent of the zoning by-law, comparable to the official plan, is to conserve the shoreline in its natural state by establishing a 30 metro area back from the shoreline to be retained for a vegetation buffer within which no buildings are allowed except for the projection of a deck or an accessory building. The intent of the by-law cannot be achieved through the variance requested since the existing building is located entirely within the required setback and buffer area. Approximately 1/3rd of the required shoreline area exists between the existing cottage and the high water mark and the area has been substantially disturbed such that the vegetative cover is very limited. The general intent of the zoning by-law to conserve the shoreline in a natural state cannot be achieved through this application and consequently, the second test cannot be met.***

3. ***The application, if approved, would provide for a variance that is in excess of 100% of the permitted standard. The variance is not minor in magnitude nor with respect to the impact of the intrusion of the deck so close to the shoreline in protecting the shoreline aesthetics and maintaining the ecological values of the Ribbon-of-Life, notably by preventing bank erosion and maintaining suitable habitat for wildlife in the corridor along the shoreline. The application does not meet the test for minor given the magnitude of the variance and the anticipated negative impacts on the Ribbon-of-Life (shoreline area).***

Resolution # 57 continued;

4. ***The intent of the official plan and zoning by-law is to minimize the impact of buildings and structures on the landscape in order to conserve the shoreline areas for their ecological values. A deck is an acceptable use associated with a cottage but the location must be appropriate if the potential impact of the structure is to be minimized. The location of the deck, as proposed on the water side of the cottage, unnecessarily increases the hard surface close to the shoreline and is not otherwise obscured by vegetation, consequently the visual impact is greater than otherwise intended by the plan. The deck, as proposed is not appropriate for the development of the land given the intent of the policies and regulatory controls of the municipality's planning documents to ensure that development is well setback from the shoreline of water bodies in the Township.***

Carried

The second application being heard was minor variance application A-11-12, Pt. Lot 2, Concession 4, Sharon & David Pledger who are requesting to reduce the front yard setback with shoreline frontage from 30 metres to 14.3 metres for the proposed kitchen extension and mud room; and 30 metres to 12.3 metres for the proposed walk-in closet; and to reduce the rear yard setback from 7.5 metres to 3.35 metres for the existing dwelling. This application was deferred at the July 19, 2012 meeting to allow the Rideau Valley Conservation Authority the opportunity to conduct a site visit.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application. The applicants propose to construct two additions to an existing dwelling/cottage. One addition is on the west side and is to extend the existing kitchen and a proposed mud room, while the second addition will be on the east side of the cottage which is to extend an existing bedroom/bathroom. During the site visit it was determined that the proposed extensions will not be any closer to the lake than the existing dwelling. The lot has 421 ft. of frontage on Anderson Road North and 418 ft. of frontage on Crow Lake with a variable depth. The maximum depth of the lot between the road and the lake is 90 ft. with a lot area of 0.42 ac. The lot is legal non-conforming within the context of the zoning by-law. The embankment is steepest between the east side of the cottage and the existing shed.

Cathy also mentioned that there are a number of mature trees on the lot which have not been disturbed. The applicants are proposing to construct a garage sometime in the future. Crow Lake has been re-classified as a lake trout lake and therefore our standard conditions for a development agreement as outlined in the RVCA's comments would apply. Staff believes this variance is reasonable as the proposed additions are reasonably sized relative to the size of the existing dwelling and the limited area of the lot. Taking all these items into consideration and that the proposed additions are not going any closer to the lake than the existing dwelling staff have no concerns with the approval of this application.

KFL&A Public Health has no objection to the proposed minor variance as the owner has submitted an application under permit number OS-14-12.

The Rideau Valley Conservation Authority has completed a review of the above noted application which seeks approval for several variances to allow for the construction of additions to the existing dwelling. A site inspection was conducted with Mrs. Pledger on July 24th. We offer the following comments for the Committee's consideration.

The applicant is proposing to construct two additions to the existing dwelling:

- West side addition for extension of existing kitchen and proposed mud room
- East side addition for extension of existing bedroom/bathroom.

The setbacks from the normal high water mark of Crow Lake will be reduced from 30 metres to 14.3 metres for the proposed kitchen extension and mud room and to 12.3 metres for the addition to the rear of the existing bedroom/bathroom. Neither addition will be any closer to the lake than the existing dwelling. Water supply is from the lake and a holding tank is used for sewage disposal. We understand from the applicant that the Health Unit is satisfied that the additions can proceed on the basis of the existing holding tank.

The lot has 421.5 ft. of frontage on Anderson Road, 418 ft. of frontage on Crow Lake and variable depth. The maximum depth of the lot between the road and the lake is 90 ft. The lot area is 0.42 ac. As such, the lot and the development thereon is legal non-conforming within the context of current zoning requirements.
The shoreline embankment is steep for the entire lake frontage, with the exception of the area between the lake and the dwelling which was likely regarded to some extent during the original construction. The embankment is steepest between the east side of the residence and the existing shed. Soil cover is shallow, particularly on the embankment which is dominated by large areas of exposed fractured bedrock. The embankment is well vegetated with mature trees.

RECOMMENDATIONS:
The proposed additions to the dwelling are reasonably sized relative to the size of the existing dwelling and the limited area of the lot. The east side addition is to the rear of the existing structure and the west side addition will extend the width of the cottage by only 6 ft. and will be no closer to the lake than the existing building. As such, the Rideau Valley Conservation Authority has no objection to this application.

Due to the narrow width of the lot and the fact that there is reduced opportunity to mitigate construction related impacts on water quality in the lake, the applicants must ensure that reasonable precautions are undertaken during the period of construction to prevent the discharge of sediment, construction aggregates and debris to the lake. Although, we would not expect there to be large areas of disturbed soils on the site (due to the shallow depth to bedrock and the method of construction), the site contractor must monitor the conditions and take the necessary precautions through the use of appropriate erosion, sediment and drainage controls if necessary. All disturbed areas must be re-vegetated upon completion of construction and final grading.

The committee approved the application with conditions.

Resolution #58

Moved by Wayne Millar *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-11-12, Pt. Lot 2, Concession 4, Sharon & David Pledger to reduce the front yard setback (with shoreline frontage) from 30 meters to 14.3 metres for the proposed kitchen extension and mud room; and 30 metres to 12.3 metres for the proposed walk-in closet; and to reduce the rear yard setback from 7.5 metres to 3.35 metres for the existing dwelling be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***That 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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state by sustaining the ribbon of life concept. It is recognized that this is an existing lot of record and is within the permitted uses.**

2. **General intent purpose of the zoning by-law is to maintain a reasonable setback given that this is an existing lot of record and the proposed additions are to an existing dwelling which is already within the 30 m setback requirement of Crow Lake.**

3. **The variance is minor where the impact of the intrusion of the dwelling is mitigated by protecting the shoreline aesthetics and maintaining the ecological values of the Ribbon-of-Life, preventing erosion and sediment discharge through drainage controls through the development agreement.**

4. **Is the building or structure desirable for the appropriate development or use of land? The intent of the official plan and zoning by-law is to permit the development of the shoreline areas in the municipality where the package of shoreline management policies and regulatory controls can be met. 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 waterfront uses.**

Carried

The next application being heard was minor variance application A-13-12, Pt. Lot 15, Concession 9, John Keen who is requesting a reduction from the high water mark from 30 metres to 15 metres for an accessory structure – namely a dry marine storage unit.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer informed the committee that the public hearing notice had to be re-circulated to provide the required 14 days noticed as per the planning act. Also, Quinte Conservation Authority was requesting further information be provided to them before they can comment and therefore Cathy suggested that the application be deferred.

The committee deferred the application.

Resolution #59
Moved by Wayne Millar ***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-13-12, Pt. Lot 15, Concession 9, John Keen to reduce the setback from the high water mark from 30 metres to 15 metres be deferred until the September 13, 2012 meeting to re-circulate the public notice hearing as per the planning act and to receive further information from the applicant as requested by Quinte Conservation Authority.

Carried

The next application being heard was minor variance application A-14-12, Pt. Lot 27, Concession 3, RKY Camp who are requesting to reduce the setback from the high water mark from 30 metres to 27.5 metres to replace an existing sleeping cabin on the recreational camp property. Mary Kloosterman agent for RKY Camp was present for the discussion and appeared before the committee.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer reviewed the application with the committee by explaining that the variance being requested is to allow for the reconstruction of a sleeping cabin on camp property. The applicants wish to reconstruct a 40 x 14.5 ft. sleeping cabin in the identical location/footprint of the previous cabin which has been demolished.

The reason the variance is required is due to the fact that the cabin was demolished and when this takes place they are required to meet the provisions of the zoning by-law which means to either move it back to meet the 30 metre setback requirement for a structure or apply for a variance, they chose to go the variance route so that it can be built in the same location. The new cabin will be setback 27.5 metres from the high water mark. It was determined that the proposed new cabin will not encroach any further into the water setback than the previous cabin did and staff believe it is reasonable in this circumstance, given the topographic and servicing constraints that are present.

KFL&A Public Health indicated that this application is not under their jurisdiction. This application is under the Ministry of Environment who did not provide any comments.

The Rideau Valley Conservation Authority has completed a review of the above noted application which seeks approval for a variance to allow for the reconstruction of a sleeping cabin at a recreational camp. Rowland Tinline, Vice Chair of the RKY Camp Board of Directors, pre-consulted with the Conservation Authority on this matter in May 2012. We offer the following comments for the Committee's consideration.

The applicant is seeking a variance to allow for the reconstruction of 40 x 14.5 ft. (580 sq. ft.) sleeping cabin in the identical location/footprint of the previous cabin, which has since been demolished. The new cabin will be situated 27.5 metres from the water's edge, whereas the zoning by-law requires a setback of 30 metres. The proposed setback is the same as for the previous cabin. We understand that the cabin will be serviced with hydro only and will not have water supply or sewage disposal.

RECOMMENDATION:

Although the Conservation Authority generally recommends minimum development setbacks of 30 metres from the normal high water mark, we are satisfied that the 2.5 metre reduction is reasonable in this circumstance, given the topographic (bedrock ridge that runs through the site) and servicing (existing underground hydro) constraints that are present. Therefore the Conservation Authority has no objection to this minor variance application.

Although we would not expect there to be large areas of disturbed soils on the site (due to the shallow depth to bedrock and the method of construction), the site contractor must monitor the conditions and take the necessary precautions through the use of appropriate erosion, sediment and drainage controls if necessary. All disturbed areas must be re-vegetated upon completion of construction and final grading.

The committee approved the application with conditions.

Resolution #60

Moved by Normand Guntensperger ***Seconded by Wayne Millar***

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-14-12, Pt. Lot 27, Concession 3 – RKY Camp to reduce the setback the high water mark from 30 metres to 27.5 metres to replace an existing sleeping cabin on the recreational camp property be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state by sustaining the ribbon of life concept. It is recognized that this is an existing lot of record and is within the permitted uses.**

2. **General intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre area back from the shoreline to be retained and to maintain a reasonable setback given the previous cabin was already within the 30 metre setback and the new cabin will not go any closer to the water.**

Resolution # 60 continued:

3. **The variance is minor where the impact of the intrusion of the dwelling is mitigated by protecting the shoreline aesthetics and maintaining the ecological values of the Ribbon-of-Life, preventing erosion and sediment discharge through drainage controls through the development agreement.**

4. **Is the building or structure desirable for the appropriate development or use of land? The intent of the official plan and zoning by-law is to permit the development of the shoreline areas in the municipality where the package of shoreline management policies and regulatory controls can be met. 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 waterfront uses.**

Carried

The last application being heard was minor variance application A-15-12, Pt. Lot 16, Concession 2, John & Kelly Anderson who are requesting to reduce the front yard setback with shoreline frontage from 30 metres to 20 metres for the conversion of a garage to a dwelling and 30 metres to 25 metres for a new leaching pit.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer reviewed the application with the committee. The property is located on the east shore of Twin Lakes with an access off of the K & P Trail and Round Lake Road. The lot is an existing undersized lot of record, irregularly shaped with a lot area of 0.23 ha (0.57 ac) and a waterside frontage of 65.5 m. The lands were acquired by the current owner in 2002 and in 2004 built a garage 60.3 sq. metres or 650 sq. ft. They obtained a building permit for the garage.

Cathy mentioned that the owners now would like to convert the garage into a seasonal dwelling (cottage) which will be serviced by a compost toilet and a grey water leaching pit. There are no plans to construct any other buildings on the lot. The existing converted garage is set back 30 metres from the southwest corner, while the setback gradually diminishes to 20 metres on the northwest corner given the angular character of the shoreline.

Staff, have no concerns with the approval of this application but consulted with Glenn Tunnock Township Planning Consultant for further clarification on the planning documents as this property is accessed via the K & P Trail. Mr. Tunnock recommended approval of the application with conditions.

KFL&A Public Health has no objection to the minor variance.

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

According to the information provided, the purpose of the subject application is to seek a reduced setback from the high water mark (HWM) of Twin Lake from 30 metres to 20 metres for a dwelling, and 30 metres to 25 metres for a leaching pit. We understand that the effect of the application is to recognize the conversion of an existing garage into a cottage. We understand that the proposed change in the use, as well as the leaching pit, already exists and the subject variance would simply recognize this existing use.

The existing garage is located on relatively flat land, while one section of the shoreline consists of a moderately high and steep slope with bedrock outcroppings. The remaining portion of the shoreline consists of a more shallow descent to the lake from the upland. With the exception of a clearing for water access, the vegetation on the slope and shoreline appears to have been maintained in its natural state.

Recognition of the existing use seems reasonable for the following reasons:

- The subject lot is already developed, with no new development proposed at this time.
- The water body setbacks appear to be maximized to the greatest extent feasible.
- The existing garage was constructed and approved in the year 2004.
- This an existing lot of record that otherwise would not have a main use.

RECOMMENDATIONS :

In consideration of all of the above, MVC does not have any objection to the subject application provided the following mitigative measures are implemented on the subject lot:

1. 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. In order to help achieve this, eaves troughing shall be installed on the converted garage. The eaves troughing shall be outlet away from the aforementioned areas into a leach pit or well-vegetated area, to allow for maximum infiltration.

2. With the exception of a maximum 9 metre wide clearing for water access, existing shoreline vegetation shall be maintained to a minimum depth of 15 metres. Vegetation on the slope leading to the lake shall also be maintained in its entirety. This effort will assist in mitigating the effects of erosion and surface runoff on Twin Lake.

The committee approved the application with conditions.

Resolution #61
Moved by Heather J. Fox ***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)(a)(i) of the planning act, concur in the following decision and reasons for decision

Resolution #61 continued;

THAT Minor Variance Application A-15-12, Pt. Lot 16, Concession 2 – John & Kelly Anderson to reduce the front yard setback (with shoreline frontage) from 30 metres to 20 metres for the conversion of a garage to a dwelling and 30 metres to 25 metres for the leaching pit to be approved for the following conditions and reasons:

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 should 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 on the converted garage. The eaves troughing shall be and outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.***

5. ***To retain the 30 m vegetation buffer as much as possible along the shoreline measured back from the high water mark which will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life' as set out in Section 3.6.4 of the Official Plan.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to ensure that development meets the 30 m setback a policy that is further reinforced by the requirement of a 30 m vegetation buffer. The building envelope and the lot access are the only areas that are devoid of a vegetation buffer. Despite the existing reduced setback of 20 m, the intervening area remains in a pristine condition. Given that the lot is an existing lot of record occupied by an existing building (cottage) and an existing sewage disposal field (leaching bed); given that no further development is proposed and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.**

2. **General intent and purpose of the zoning by-law, comparable to the official plan, is to conserve the shoreline in its natural state by establishing a 30 metre area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, however, the lot is undersized and the lot constraints of the lesser depth from the lake make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area.**

The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. To this extent the second test will be met.

3. **The variance is minor as the impact of this development is however minimal given that the cottage is an existing modestly sized building that has been constructed without significantly disrupting the ecological values of the shoreline vegetation buffer. The impact is minor. Continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The intent of the official plan and zoning by-law is to minimize the impact of buildings and structures on the landscape in order to conserve the shoreline areas for their ecological values. The zoning by-law permits a cottage and requires that the cottage be adequately serviced. The modest development of this property with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried

No further planning business was brought forth.

Resolution #

Moved by W.P. Snyder ***Seconded by Heather J. Fox***

That this meeting be adjourned until 6:00 p.m. August 30, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for August 9, 2012
(Sharbot Lake)

Resolution # 56

Moved by _____ ***Seconded by*** _____

THAT the agenda be adopted as

Presented _____

Amended ✓

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment August 9, 2012

Resolution # 57

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-8-12, Pt. Lots 13 & 14, Concession 2, being parts 1-5 on plan 13R-19131, Carl Neilsen to reduce the setback the high water mark from 30 metres to 10.36 metres for the cottage and 27 metres to 7.3 metres for the deck be denied for the following reasons:

1. **The intent of the official plan is to conserve the first 30 m from the shoreline in its natural state or to reinstate the shoreline to a natural state. Maintaining the setbacks improves the ecological and visual quality of the shoreline and reduces or eliminates the flow of building run-off going directly into the water. The intent of the plan cannot be achieved by permitting further development within the 30 metre limited distance and to this extent; the first test of conformity to the general intent of the plan would not be met.**

2. **The intent of the zoning by-law, comparable to the official plan, is to conserve the shoreline in its natural state by establishing a 30 metro area back from the shoreline to be retained for a vegetation buffer within which no buildings are allowed except for the projection of a deck or an accessory building. The intent of the by-law cannot be achieved through the variance requested since the existing building is located entirely within the required setback and buffer area. Approximately 1/3rd of the required shoreline area exists between the existing cottage and the high water mark and the area has been substantially disturbed such that the vegetative cover is very limited. The general intent of the zoning by-law to conserve the shoreline in a natural state cannot be achieved through this application and consequently, the second test cannot be met.**

3. **The application, if approved, would provide for a variance that is in excess of 100% of the permitted standard. The variance is not minor in magnitude nor with respect to the impact of the intrusion of the deck so close to the shoreline in protecting the shoreline aesthetics and maintaining the ecological values of the Ribbon-of-Life, notably by preventing bank erosion and maintaining suitable habitat for wildlife in the corridor along the shoreline. The application does not meet the test for minor given the magnitude of the variance and the anticipated negative impacts on the Ribbon-of-Life (shoreline area).**

4. **The intent of the official plan and zoning by-law is to minimize the impact of buildings and structures on the landscape in order to conserve the shoreline areas for their ecological values. A deck is an acceptable use associated with a cottage but the location must be appropriate if the potential impact of the structure is to be minimized. The location of the deck, as proposed on the water side of the cottage, unnecessarily increases the hard surface close to the shoreline and is not otherwise obscured by vegetation, consequently the visual impact is greater than otherwise intended by the plan. The deck, as proposed is not appropriate for the development of the land given the intent of the policies and regulatory controls of the municipality's planning documents to ensure that development is well setback from the shoreline of water bodies in the Township.**

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 58

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-11-12, Pt. Lot 2, Concession 4, Sharon & David Pledger to reduce the front yard setback (with shoreline frontage) from 30 meters to 14.3 metres for the proposed kitchen extension and mud room; and 30 metres to 12.3 metres for the proposed walk-in closet; and to reduce the rear yard setback from 7.5 metres to 3.35 metres for the existing dwelling be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***That 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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state by sustaining the ribbon of life concept. It is recognized that this is an existing lot of record and is within the permitted uses.**

2. **General intent purpose of the zoning by-law is to maintain a reasonable setback given that this is an existing lot of record and the proposed additions are to an existing dwelling which is already within the 30 m setback requirement of Crow Lake.**

3. **The variance is minor where the impact of the intrusion of the dwelling is mitigated by protecting the shoreline aesthetics and maintaining the ecological values of the Ribbon-of-Life, preventing erosion and sediment discharge through drainage controls through the development agreement.**

4. **Is the building or structure desirable for the appropriate development or use of land? The intent of the official plan and zoning by-law is to permit the development of the shoreline areas in the municipality where the package of shoreline management policies and regulatory controls can be met. 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 waterfront uses.**

Carried ✓
***Deferred*_____**
***Refused*_____**

Chairperson Sharon Smith

Township of Central Frontenac, Committee of Adjustment August 9, 2012

Resolution # 59

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-13-12, Pt. Lot 15, Concession 9, John Keen to reduce the setback from the high water mark from 30 metres to 15 metres be deferred until the September 13, 2012 meeting to re-circulate the public notice hearing as per the planning act; and to receive further information from the applicant as requested by Quinte Conservation Authority.

Carried _____
Deferred ✓
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment August 9, 2012

Resolution # 60

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-14-12, Pt. Lot 27, Concession 3 – RKY Camp to reduce the setback the high water mark from 30 metres to 27.5 metres to replace an existing sleeping cabin on the recreational camp property be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the shoreline in its natural state or reinstate the shoreline to a naturalized state by sustaining the ribbon of life concept. It is recognized that this is an existing lot of record and is within the permitted uses.**

2. **General intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre area back from the shoreline to be retained and to maintain a reasonable setback given the previous cabin was already within the 30 metre setback and the new cabin will not go any closer to the water.**

3. **The variance is minor where the impact of the intrusion of the dwelling is mitigated by protecting the shoreline aesthetics and maintaining the ecological values of the Ribbon-of-Life, preventing erosion and sediment discharge through drainage controls through the development agreement.**

4. **Is the building or structure desirable for the appropriate development or use of land? The intent of the official plan and zoning by-law is to permit the development of the shoreline areas in the municipality where the package of shoreline management policies and regulatory controls can be met. 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 waterfront uses.**

Carried ✓
Deferred _____
Refused _____

Chairperson Tom Smith

Resolution # 61

Moved by Heather J. Fry ***Seconded by*** W.P. Taylor

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)(a)(i) of the planning act, concur in the following decision and reasons for decision

THAT Minor Variance Application A-15-12, Pt. Lot 16, Concession 2 – John & Kelly Anderson to reduce the front yard setback (with shoreline frontage) from 30 metres to 20 metres for the conversion of a garage to a dwelling and 30 metres to 25 metres for the leaching pit to be approved for the following conditions and reasons:

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 should 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 on the converted garage. The eaves troughing shall be and outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.***

5. ***To retain the 30 m vegetation buffer as much as possible along the shoreline measured back from the high water mark which will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life' as set out in Section 3.6.4 of the Official Plan.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to ensure that development meets the 30 m setback a policy that is further reinforced by the requirement of a 30 m vegetation buffer. The building envelope and the lot access are the only areas that are devoid of a vegetation buffer. Despite the existing reduced setback of 20 m, the intervening area remains in a pristine condition. Given that the lot is an existing lot of record occupied by an existing building (cottage) and an existing sewage disposal field (leaching bed);**

given that no further development is proposed and given that the shoreline has been retained in a naturalized state, the general intent of the official plan has been maintained and consequently, the application meets the first test.

2. **General intent and purpose of the zoning by-law, comparable to the official plan, is to conserve the shoreline in its natural state by establishing a 30 metre area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, however, the lot is undersized and the lot constraints of the lesser depth from the lake make development physically impossible in meeting the requirements of the by-law. However, the shoreline has been retained in its natural state as is most of the lot save the developed area. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a site plan agreement designed to retain the existing vegetation buffer will reinforce the retention of the naturalized shoreline or what is commonly referred to as the 'Ribbon of Life'. To this extent the second test will be met.**

3. **The variance is minor as the impact of this development is however minimal given that the cottage is an existing modestly sized building that has been constructed without significantly disrupting the ecological values of the shoreline vegetation buffer. The impact is minor. Continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The intent of the official plan and zoning by-law is to minimize the impact of buildings and structures on the landscape in order to conserve the shoreline areas for their ecological values. The zoning by-law permits a cottage and requires that the cottage be adequately serviced. The modest development of this property with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried ✓
*Deferred*_____
*Refused*_____

Chairperson Stan Smith

Resolution # 62

Moved by M. P. Sampler ***Seconded by*** Heather J. Fox

August 30, 2012

That this meeting be adjourned until 6:00 p.m. September 13, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

COMMITTEE OF ADJUSTMENT

THURSDAY JULY 19, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) Call to order (Chair)

2) Approval of Agenda

3) Disclosure of pecuniary interest

4) Minutes of previous meeting – March, April and May 2012

5) Unfinished/Old business and business arising from the minutes

6) Applications for consent:

- B-10-12-OS – Kidd – creation of a new lot (flag lot)
- B-11-12-OL – Hawley – creation of a new lot
- B-12-12-OL – Hawley – creation of a new lot
- B-13-12-HI – Kennedy – lot addition

7) Applications for minor variance:

- A-2-12 – Mehran Beygui – reduction from wetland
- A-5-12 – Joan & Earl Shaw – reduction from front yard setback (high water mark)
- A-8-12 – Carl Neilsen – reduction from front yard setback (high water mark)
- A-9-12 – Dianne Burns – reduction from front yard setback (high water mark)
- A-10-12 – David & Linda Wilkinson – reduction from front yard setback (high water mark)
- A-11-12 – Sharon & David Pledger – reduction from front yard setback (high water mark) - deferred
- A-12-12 – Jerry A. Teal – reduction from rear yard setback

8) Other planning business

9) Adjournment

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for July 19, 2012
(Sharbot Lake)

Resolution # 43

Moved by W. P. Snyder ***Seconded by*** Howard J. Fox

THAT the agenda be adopted as

Presented ✓

Amended _____

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 44

Moved by Jo-Ann Bond ***Seconded by*** W. P. Snyder

That Severance Application B-10-12-OS, W1/2 Lot 8, Conc. 5, William Kidd be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 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.***

   ii) ***No buildings or septic systems shall occur within 30 metres of the seasonal high water mark of Loon Lake.***

   iii) ***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. Eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.***

   iv) ***The vegetation along the shoreline of the lake shall be maintained to a depth of 30 metres in its natural state save and except for an access corridor as permitted in the zoning by-law.***

7. ***That the applicant applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone with a special exception to reduce the required road frontage to 6 m to accommodate the flag lot configuration. All costs associated with the Zoning Amendment are the responsibility of the applicant.*** And that No Development Be permitted on the Pole.

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.***

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

Carried ✓
Deferred _____
Refused _____

Chairperson Travis Smith

Resolution # 45
Moved by _____ ***Seconded by*** _____

That Severance Application B-11-12-OL, Pt. Lots 11 & 12, Conc. 4, Michael Hawley and Nora Hawley be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

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

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

Carried V
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment July 19, 2012

Resolution # 46

Moved by Tom Lavery ***Seconded by*** [illegible]

That Severance Application B-12-12-OL, Pt. Lot 11 & 12, Conc.4, Michael Hawley and Nora Hawley be approved subject to the following conditions:

1. ***That all conditions are satisfied and that draft deeds for the severed parcel are presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title 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***~~ one copy ***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 receive 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:***

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

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

Carried ✓
Deferred _____
Refused _____

Chairperson [illegible]

Township of Central Frontenac, Committee of Adjustment July 19, 2012

Resolution # 47

Moved by _____ ***Seconded by*** _____

That Severance Application B-13-12-HI, Lots 1-4, Conc. 3, Bernard & Patricia Kennedy be approved subject to the following conditions:

1. ***That all conditions are satisfied and that draft deeds for the severed parcel are presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title 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 one copy 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 land 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 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

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

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

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment July 19, 2012

Resolution # 48

Moved by Heather J. Fox ***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.

Now, that the applicants have submitted additional information as set out in Section 3.6.4.2 and Section 3.6.4.5 of the Official Plan and that a site plan has been submitted which clearly depicts the property boundaries in relation to a building location (building envelope) outside of the 15 metre setback from the 1:100 year floodplain of Big Clear Lake and that the plan has been shared with Quinte Conservation Authority who have indicated in a report dated June 25, 2012 that they have reviewed the site plan and have no further objection to the approval of the aforementioned application for minor variance;

Therefore, Minor Variance Application A-2-12, Pt. Lot13, Concession 9 – Javad Eshagh Baigi and Mehran Eshagh Beygui to reduce the setback from a wetland from 30 metres to 15 metres be approved for the following conditions and reasons.

That the applicant enters into a development agreement with the municipality to address the following: All costs associated with the preparation of the agreement including legal fees to register is the responsibility of the applicant.

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 wetland. 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 allow for maximum infiltration.***

5. ***With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained and potentially enhanced with deeply rooted native vegetation. This effort will assist in mitigating the effects of erosion and surface runoff on Big Clear Lake.***

FOR THE FOLLOWING REASONS:

1. ***The variance is minor because the impacts will be mitigated through a development agreement which will keep the proposed structure 15 metres from the wetland area. It will also serve to maintain the existing shoreline.***

2. ***General intent of the zoning by-law is to establish an absolute minimum setback. A setback of 15 metres is a reasonable setback given that this is an existing lot of record and that the wetland area will be mitigated through a development agreement.***

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 waterfront uses.***

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 49

Moved by W. P. Smyth ***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.

Now, that the applicants have submitted additional information and a site plan which clearly depicts the property boundaries in relation to a building location (building envelope) the building and septic system location and the wetland area to ensure all required setbacks are adhered to and that this plan be shared with the Quinte Conservation Authority who have indicated in a report dated July 18, 2012 that they have reviewed the site plan and conducted a further site visit have no further objection to the approval of the aforementioned application for minor variance;

Therefore, Minor Variance Application A-5-12, Pt. Lot 7, Concession 10 – Joan & Earl Shaw to reduce ~~the setback~~ the front yard setback with shoreline frontage from 30 metres to 23 metres for the dwelling from Chippego Lake; and 30 metres to 18 metres from the wetland; and 30 metres to 15 metres for the septic system from the wetland to allow for the construction of a dwelling be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***The shoreline vegetated buffer shall be retained to a minimum depth of 15 metres, to mitigate the effects of erosion and surface runoff on the lake.***

2. ***Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.***

3. ***Excavated material shall be disposed of well away from the water.***

4. ***Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.***

5. ***Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to maximize infiltration.***

July 19, 2012 #50

Moved - Roman Levy

Seconded - Jeff

That we defer application A-8-12-Neilsen to allow Mr. Neilsen ~~are~~ an opportunity to ~~be~~ ~~speak to~~ contact MVC's Horsley letter.

Fran Smith

Township of Central Frontenac, Committee of Adjustment July 19, 2012

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-9-12, Pt. Lot 18, Concession 6, Dianne Burns to reduce the front yard setback (with shoreline frontage) from 30 meters to 24.3 meters for the construction of a dwelling be approved provided;

1. ***The intent of the official plan is to conserve the first 30 meters from the shoreline in its natural state or to reinstate the shoreline to a naturalized state. We recognize that as an existing lot of record, there are very significant constraints to the redevelopment of the lot in meeting the policy intent of the plan. The site plan drawing as a result proposes to respect as many as the setback requirements as is possible given the undersized lot area and lot width. Therefore, the intent of the official plan has been achieved with respect to the location of the sewage disposal and the intent of the naturalization of the shoreline vegetation buffer could be substantively achieved through a site plan agreement. The first test of conformity to the general intent of the plan will only be met through a condition requiring the entering into of a site plan agreement.***

2. ***The intent of the zoning by-law, comparable to the official plan, is to conserve the shoreline in its natural state by establishing a 30 metro area back from the shoreline to be retained for a vegetation buffer within which no buildings are allowed; however, the by-law does provide for some relief to the extent that a site plan control agreement may be entered into for the purposes of addressing the naturalization of the shoreline. The general intent of the zoning by-law to conserve the shoreline in a natural state can only be achieved through fulfillment of the site plan agreement if the second test is to be met.***

3. ***The proposed setback of the cottage will vary since the closest corner (northwest) will be 24.3 m from the lake while the southeast corner will be 26 m from the lake. The variance may be considered minor where the impact of the intrusion of the dwelling is mitigated by protecting the shoreline aesthetics and maintaining the ecological values of the Ribbon-of-Life, notably by denaturalizing the shoreline, preventing bank erosion and sediment discharge through drainage controls and by maintaining suitable habitat for wildlife in corridor only the shoreline. The application will meet the test for minor where the impacts on the lake are mitigated through a site plan agreement.***

4. ***The intent of the official plan and zoning by-law is to permit the development of the shoreline areas in the municipality where the package of shoreline management policies and regulatory controls can be met. The construction a new cottage or redevelopment of the lot is an appropriate form of development subject to compliance with the appropriate controls including denaturalization and setting the sewage disposal system well back from the shoreline.***

CONDITIONS OF APPROVAL:

Based on the evaluation of the planning consultant that the application should be approved based on the condition that the applicant enter into a site plan development agreement with the municipality that provides for a program of denaturalization of the shoreline area and that the site plan drawings be prepared by a professional in shoreline and landscaping management and that the site plan apply to the entire lot including the location and installation of the sewage disposal system.

It is also recommended that the sewage disposal system installed use "a higher level of phosphorus removal. Also, that the existing recreational vehicle be removed.

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment July 19, 2012

Resolution # 52

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-10-12, Pt. Lot 14, Concession 9 – David & Linda Wilkinson to reduce the setback the front yard setback with shoreline frontage from 30 metres to 16 metres to the proposed deck; and 30 metres to 15.5 metres to the proposed screened porch be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. ***The variance is minor because the impacts will not further negatively affect the environment as the existing enclosed porch will be converted back to a deck and will not any closer to the water than existing. It will also continue to maintain the shoreline area.***

2. ***General intent is to maintain a reasonable setback given the proposed dwelling is within the 30 metre setback and the proposed porch will not encroach any further into the water setback than the existing dwelling.***

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 Fran Smith

Township of Central Frontenac, Committee of Adjustment July 19, 2012

Resolution # 53

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)(a)(i) of the planning act, concur in the following decision and reasons for decision.

THAT Minor Variance Application A-11-12, Pt. Lot 14, Concession 9 – Sharon & David Pledger to reduce the setback the front yard setback with shoreline frontage from 30 metres to 14.3 metres for the proposed kitchen extension and mud room; and 30 metres to 12.3 metres for proposed walk-in closet be deferred on the request of the Rideau Valley Conservation Authority to provide them with the opportunity to conduct a site visit which could not be completed in time for the meeting on July 19, 2012.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment July 19, 2012

Resolution # 54

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)(a)(i) of the planning act, concur in the following decision and reasons for decision

THAT Minor Variance Application A-12-12, Pt. Lot 28 & 29, Concession 5 – Jerry A Teal to reduce the rear yard setback from 7.5 metres to 4.9 metres to construct an attached garage be approved for the following reasons:

1. ***The variance is minor because the impacts will not further negatively affect the environment as the proposed garage will not be any closer to the water or the wetland than the existing dwelling. It will also serve to maintain the existing shoreline of Long Lake and the wetland area.***

2. ***General intent is to maintain a reasonable setback which both the dwelling and proposed garage are already setback 30 metre from the wetland and Long Lake.***

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 waterfront uses.***

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 55

Moved by _____ ***Seconded by*** _____

That this meeting be adjourned until 6:00 p.m. August 9, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

COMMITTEE OF ADJUSTMENT

THURSDAY MAY 24, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) Call to order (Chair)

2) Approval of Agenda

3) Disclosure of pecuniary interest

4) Minutes of previous meeting – March & April 2012 – minutes not finalized

5) Unfinished/Old business and business arising from the minutes

6) Applications for consent:

B-02-12-KE – Gillen – creation of a new lot for public road & open space

B-03-12-KE – Gillen – creation of a new lot for public road

B-04-12-OS - Struthers – creation of a new lot

B-05-12-OS – Whitelaw – creation of a new lot

B-06-12-HI – Graham – creation of a new lot

B-07-12-KE – Arden Court Children's Res. – lot addition

B-08-12-KE – Arden Court Children's Res. – creation of a right of way

B-09-12-OS – Jones – creation of a right of way

B-10-12-OS – Kidd – creation of a new lot

7) Applications for minor variance:

A-4-12 – George & Cathy Gibson - reduction from high water mark for a Shoreline structure

A-5-12 – Joan & Earl Shaw – reduction from front yard setback (with Shoreline frontage)

A-6-12 – Greg & Carol Morris - reduction from front yard (with water Frontage)

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for May 24, 2012
(Sharbot Lake)

Resolution # 28

Moved by _____ ***Seconded by*** _____

THAT the agenda be adopted as

Presented _____

Amended ✓

Carried _____
Deferred _____
Refused _____

Chairperson _____

Resolution # 29

Moved by _____ ***Seconded by*** _____

That Severance Application B-02-12-KE, Pt. Lot 19, Conc. 8, Denis Gillen who is represented by his agent Greg Newman of McIntosh Perry Consulting Engineers Ltd. has requested that this application be deferred until McIntosh Perry receives draft approval from Frontenac County for the Kennebec Lake Subdivision.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment May 24, 2012

Resolution # 30

Moved by W.P. Snyder ***Seconded by*** _____

That Severance Application B-03-12-KE, Pt. Lot 19, Conc. 9, Denis Gillen who is represented by his agent Greg Newman of McIntosh Perry Consulting Engineers Ltd. has requested that this application be deferred until McIntosh Perry receives draft approval from Frontenac County for the Kennebec Lake Subdivision.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 31

Moved by _____ ***Seconded by*** W. P. Snyder

That Severance Application B-04-12-OS, Pt. Lot 25, Conc.3, Robert Struthers be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 receive 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:***

   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.***

   ii) ***No buildings or septic systems shall occur within the ~~greater of:~~ greater of***
   a. 30 metres of the seasonal high water mark of the unclassified wetland
   b. 30 metres of the seasonal high water mark of the unnamed watercourse
   c. 10 metres of the crest of any slope that exceeds 3 metres in height and a 3:1 slope angle

   iii) ***Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to allow for maximum infiltration.***

   iv) ***The vegetation along the shoreline of the wetland and watercourse shall be maintained to a minimum depth of 30 metres.***

   v) ***Wetland shall remain undisturbed and any works in or near the wetland and watercourse should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat.***

6 continued:

vi) The vegetation on the slopes be maintained, particularly on slopes which descend to the wetland. This effort will help maintain slope stability and mitigate erosion and the effects of surface runoff on the wetland. Removal of hazard trees and selective "limbing" of trees is considered acceptable.

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

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

Carried ✓
*Deferred*_____
*Refused*_____

Chairperson Susan Smith

ıip of Central Frontenac, Committee of Adjustment May 24, 2012

esolution # 32

Moved by _____ *Seconded by* W. R. Snyder

That Severance Application B-05-12-OS, Pt. Lot 28, Conc.6, John Whitelaw be approved subject to the following conditions:

1. ***That all conditions are satisfied and that draft deeds for the severed parcel are presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title 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 receive 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:***

   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.***

   ii) ***No buildings or septic systems shall occur within 30 metres of the seasonal high water mark of the unclassified wetland.***

   iii) ***Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to allow for maximum infiltration.***

   iv) ***The vegetation along the shoreline of the wetland shall be maintained to a minimum depth of 30 metres.***

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

   vi) ***Wetland shall remain undisturbed.***

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

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

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment May 24, 2012

Resolution # 33

Moved by W. R. Sangster ***Seconded by*** [signature]

That Severance Application B-06-12-HI, Pt. Lot 1 & 2, Conc. 11, Ryan Graham be approved subject to the following conditions:

1. ***That all conditions are satisfied and that draft deeds for the severed parcel are presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title 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 receive 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:***

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

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

Carried ✓
Deferred _____
Refused _____

Chairperson [signature]

Resolution # 34

Moved by Cllr R. Snyder ***Seconded by*** _____

That Severance Application B-07-12-KE, Pt. Lot 18, Conc. 8, Arden Court Children's Residence be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

6. ***In accordance with section 50(12) of the Planning Act, the deed 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

   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 ~~9~~. ***That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 35

Moved by _____ ***Seconded by*** _____

That Severance Application B-08-12-KE, Pt. Lot 17, Conc. 8, Arden Court Children's Residence be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the 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 _____

Resolution # 36

Moved by W. R. Snyder ***Seconded by*** _____

That Severance Application B-09-12-OS, Pt. Lot 2, Conc. 4, Debora Jones be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the 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***~~ ✓
(Deny)

Chairperson _____

Resolution # 37

Moved by John Purdon
Seconded by Janet Gutowski

That Severance Application B-10-12-05, W½ Lot 8, Conc. 5 William Kidd be deferred.

Defeated

Fran Smith

12

...ip of Central Frontenac, Committee of Adjustment May 24, 2012

...solution # 38

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-4-12, Pt. Lots 1 & 2, Concession 4 – George & Cathy Gibson to reduce the setback from the high water mark from 15 metres to 4.26 metres for a shoreline structure (viewing deck) be deferred to allow the applicant an opportunity to review the comments provided by the planning consultant and options that may be available to relocate the viewing deck.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 39

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-5-12, Pt. Lot 7, Concession 10 – Joan & Earl Shaw to reduce the setback the front yard setback with shoreline frontage from 30 metres to 21.3 metres to allow for the construction of a dwelling be deferred until the applicant submits:

A site plan which clearly depicts the property boundaries in relation to a building location (building envelope) the building and septic system location and the wetland area to ensure all required setbacks are adhered to and that this plan be shared with the Quinte Conservation Authority prior to approval of the minor variance.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment May 24, 2012

Resolution # 40

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-6-12, Pt. Lot 18, Concession 8 – Greg & Carol Morris to reduce the ~~setback the~~ ~~front yard setback~~ with water frontage from 30 metres to 15 metres to allow for the construction of a dwelling be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. ***The shoreline vegetated buffer shall be retained to a minimum depth of 15 metres, to mitigate the effects of erosion and surface runoff into the wetland.***

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 wetland). 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 wetland or onto neighbouring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration.***

FOR THE FOLLOWING REASONS:

1. ***The variance is minor because the impacts will not further negatively affect the environment even though the proposed dwelling will be located 15 metres from the wetland. It will also serve to maintain the wetland area.***

2. ***General intent is to maintain a reasonable setback given the proposed dwelling will be setback as far back as possible taking into account the configuration of the lot and no blasting will be required.***

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 Fran Smith

Township of Central Frontenac, Committee of Adjustment May 24, 2012

Resolution # 41

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)(a)(i) of the planning act, concur in the following decision and reasons for decision.

THAT Minor Variance Application A-7-12, Pt. Lot 15 & 16, Concession 10 – to reduce the ~~setback the~~ front yard setback with shoreline frontage from 30 metres to 14 metres at the closest point while the addition will be setback 19 metres to allow for the construction of a an addition to an existing dwelling be ~~deferred until the applicant submits~~: Approved

A site plan which clearly depicts the property boundaries in relation to a building location (building envelope) outside of the 15 metre setback from the 1:100 year floodplain of Big Clear Lake (197.85 m GSC), a 15 metre setback from the wetlands, and any other Municipal by-law setback requirements and that this plan be shared with the Quinte Conservation Authority prior to approval of the minor variance.

as per recommendations

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 42

Moved by _____ ***Seconded by*** _____

That this meeting be adjourned until 6:00 p.m. June 14, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

COMMITTEE OF ADJUSTMENT

THURSDAY APRIL 12, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) **Call to order (Chair)**

2) **Approval of Agenda**

3) **Disclosure of pecuniary interest**

4) **Minutes of previous meeting – March 8, 2012**

5) **Unfinished/Old business and business arising from the minutes**

6) **Applications for consent:**

   Nil

7) **Applications for minor variance:**

   A-1-12 – Robert Rockbrune – reduction from front yard (with shoreline frontage) and interior side yard

   A-2-12 – Javad Eshagh Baigi & Mehran Eshagh Beygui – reduction from a wetland

   A-3-12 – William Nicol – reduction from front yard (with shoreline frontage)

8) **Other planning business**

9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – April 12, 2012

Committee of Adjustment met on April 12, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Wayne Millar, John Purdon, Janet Gutowski, Jeff Matson, Tom Dewey, William Snyder, Normand Guntensperger, John Purdon, Janet Gutowski, Heather Fox

Absent: Frances Smith, William Snyder, Heather Fox, Normand Guntensperger

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer

No Public in attendance

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

Chair, Frances Smith was absent, so first order of business was to elect a chair for this evenings meeting.

Resolution #22
Moved by Janet Gutowski ***Seconded by John Purdon***
That Wayne Millar act as Chair for this evenings meeting.
Carried

The agenda was introduced.

Resolution #23
Moved by John Purdon ***Seconded by Janet Gutowski***
That the agenda be adopted as amended.
Carried

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

The first application to be dealt with was minor variance A-1-12, Pt. Lots 16 & 17, Conc. 10, Robert Rockbrune who is requesting a reduction from the front yard setback (with shoreline frontage) from 30 metres to 22 metres; and to reduce the interior side yard from 1.0 metres to 0.61 metres to allow for a shed/workshop which was replaced in 2009.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application by explaining that the applicant indicated that he replaced the shed/workshop in 2009 because it was unsafe. A building permit for this structure was not found.

The measurement was confirmed during the site visit. The shed/workshop is a two-storey structure with stairs leading to the second floor. The owner confirmed that the second storey of the shed/workshop is not being used as a sleep cabin but as storage only. There are two travel trailers also located on the lot. The one travel trailer is being used as a sleep cabin which has been confirmed by the owner. The other travel trailer will have to be removed from the lot and the owner has been made aware of this.

This parcel is within the Waterfront Residential Zone which permits one (1) recreational vehicle to be stored on the lot as an accessory use. Such accessory recreational vehicles shall be subject to the accessory use provisions of Section 4.2 of the by-law.

Section 4.2 permits one (1) sleep cabin as an accessory use to a permitted waterfront residential dwelling but shall not exceed 37 sq. m or 400 sq. ft. in gross floor area. The owner has confirmed that the travel trailer being used as a sleep cabin is 36 ft. x 7 ft. or 252 sq. ft. which is under the required 400 sq. feet.

KFL&A Public Health has no objection to the minor variance but did note that the existing septic system constructed in 1976 is not contravening section 8.9.1.2. (1) (a) (b) (c) of the Ontario Building Code and the structure in question is more than 1.5 m from the septic tank, and more than 5 m from the leaching pit.

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, their policies, the Federal Fisheries Act and the natural hazard policy of the Provincial Policy Statement. They further mention that although the flood plain mapping for Big Clear Lake indicates that a portion of the subject parcel would be subject to flooding during the regulatory flood event (1:100 year) we understand that the storage building was constructed on the same footprint as a derelict building. The applicant will still be required to apply to them for a permit if a building permit is required for the development.

The committee approved the application with conditions.

Resolution #24

Moved by John Purdon ***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-1-12, Pt. Lots 16 & 17, Concession 10 – Robert Rockbrune to reduce the front yard setback (with shoreline frontage) from 30 metres to 22 metres; and to reduce the interior side yard from 1.0 metres to 0.61 metres to allow for a shed/workshop which was replaced in 2009 be approved for the following reasons:

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the shed/workshop was built in 2009 replacing an existing structure that was unsafe. It will also serve to maintain the existing shoreline as it is in the same location as the previous structure.**

2. **General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback and the shed/workshop is not any closer to the water than the dwelling is.**

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 is compatible with adjacent waterfront uses.**

Carried

The next application heard was minor variance application A-2-12, Pt. Lot 13, Conc. 9, Javad Eshagh Baigi and Mehran Eshagh Beygui.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer led the committee through the application which is to reduce the setback from a wetland from 30 metres to 19.2 metres; and 30 metres to 23.1 metres respectively to allow for the construction of a dwelling. The owners are looking to build a 30 x 40ft dwelling as far from the wetland as possible taking into account that the lot is narrow and the septic system was installed at the back of the lot away from the wetland and Big Clear Lake.

This parcel is within the Waterfront Residential Zone and is an existing lot of record. Tim Trustham of Quinte Conservation Authority has indicated that the location of the wetland needs to be confirmed to determine the portion of the subject lands which is subject to flooding and the EP Zone and building location and therefore, are requesting a site plan. In light of Quinte's comments staff, recommend that this application be deferred until a site plan can be prepared to determine potential building envelope outside of the 15 metre setback from the 1:100 year flood plain of Big Clear Lake.

Section 3.6.4 Official Plan – enables the municipality to request information to ascertain the potential impact of proposed development on natural features, fish habitat and water quality of adjacent water body. This in turn will enable the municipality to determine the conditions for site plan approval of any development. Consequently, it is recommended that the applicant submit additional information as set out in section 3.6.4.2 and section 3.6.4.5. This includes the soils report, a water quality impact study and a fish habitat assessment. The requirements for this information should be confirmed in consultation with the Quinte Conservation Authority to ensure the information provided will satisfy the requirements of the municipality and the conservation authority.

KFL&A Public Health has no objection to the minor variance. Based on the design of the previously installed septic system (permit KEN-18-76), the proposed minor variance will not affect the performance of the existing system. The existing system is not contravening Section 8.9.1.2. (1) (a) (b) (c) of the Ontario Building Code and the structure in question is more than 1.5 m (5 ft.) from the septic tank, and more than 5 m (16'4") from the leaching bed.

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), Quinte Conservation policies, the Federal Fisheries Act, and the natural hazard policy of the Provincial Policy Statement. In order to determine the portion of the subject lands which is subject to flooding, and therefore the Environmental Protection Zone & building location**, a site plan is required**.

policies of Quinte Conservation and Provincial Policy Statement (2005) do not permit development within the regulatory floodplain. **The applicant is requested to submit a site plan which clearly depicts the property boundaries in relation to a building location (building envelope) outside of the 15 metre setback from the 1:100 year floodplain of Big Clear Lake (197.85 m GSC), and any other Municipal by-law setback requirements.**

The committee approved the application with conditions.

Resolution #25

Moved by Janet Gutowski ***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-2-12, Pt. Lot13, Concession 9 – Javad Eshagh Baigi and Mehran Eshagh Beygui to reduce the setback from a wetland from 30 metres to 19.2 metres; and 30 metres to 23.1 respectively be deferred until the applicant submits additional information as set out in Section 3.6.4.2 and Section 3.6.4.5 of the Official Plan.

This includes a soils report, a water quality impact study and a fish habitat assessment. The requirements for this information should be confirmed in consultation with the Quinte Conservation Authority to ensure the information provided will satisfy the requirements of the municipality and the conservation authority and further;

That the applicant submit a site plan which clearly depicts the property boundaries in relation to a building location (building envelope) outside of the 15 metre setback from the 1:100 year floodplain of Big Clear Lake (197.85 m GSC), and that this plan be shared with the Quinte Conservation Authority prior to approval of the minor variance.

Carried

The last application to come before the committee this evening is minor variance application A-3-12, Pt. Lot 19, Conc. 7, William Nicol.

Cathy MacMunn, Planning Coordinator led the committee through the application which is to reduce the front yard setback (with shoreline frontage) from 30 metres to 15 metres to allow for an addition to be built to an existing dwelling.

The subject property is located on Silver Lake, which is a highly sensitive lake trout lake. A site visit was conducted with staff, Mississippi Valley Conservation Authority and Public Health. It was determined that the proposed addition is reasonable and it will not go any further into the water setback than the existing dwelling. Staff has no objections to the proposed minor variance and supports the application.

A Public Health has no objections to the minor variance.

Mississippi Valley Conservation Authority has reviewed the minor variance application which is to allow for a reduced setback from the high water mark (HWM) of Silver Lake from 30 metres to 15 metres, in order construct an addition measuring 288 sq. ft. The exiting cottage is also setback 15 metres from the HWM of the lake.

The subject property is located on Silver Lake, which is a highly sensitive cold water fishery supporting a local lake trout population. Shoreline vegetation, specifically several trees, was observed during our site visit in April, 2012.

MVC reviews water body setback requirements in accordance with guidelines prepared in support of the Provincial Policy Statement (PPS). These guidelines indicate that development shall not be permitted within 30 metres of fish habitat unless it has been determined that there will be no additional negative impacts to this natural heritage feature. With respect to the subject proposal, the new addition does not result in a further encroachment towards to lake, compared to the existing structure. In addition, the increase in footprint proposed within the water body setback is considered acceptable under MVC guidelines. With the above in consideration MVC does not have any objection to the subject proposal provided mitigative measures be incorporated as conditions.

The committee approved the application with conditions.

Resolution #26

Moved by Jeff Matson ***Seconded by Tom Dewey***

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-3-12, Pt. Lot 19, Concession 7, William Nicol requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 15 metres to allow for an addition to be built to an existing dwelling be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following: All costs associated with the preparation of the agreement including legal fees to register is the responsibility of the applicant.

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.**

Resolution #26 continued:

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 outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.**

5. **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained and potentially enhanced with deeply rooted native vegetation. This effort will assist in mitigating the effects of erosion and surface runoff on Silver Lake.**

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the addition will not be any closer to the water than the existing dwelling. It will also serve to maintain the existing shoreline.**

2. **General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback and the proposed addition is not going any closer to the water.**

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 waterfront uses.**

Carried

No further planning business was brought forth.

Resolution #27

Moved by Tom Dewey ***Seconded by Jeff Matson***

That this meeting be adjourned until 6:00 p.m. May 24, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

_____ _____

Chairperson Secretary-Treasurer

Resolution # 22

Moved by _____ ***Seconded by*** _____

THAT WAYNE MILLAR ***act as Chair for this evenings meeting.***

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for April 12, 2012

(Sharbot Lake)

Resolution # 22

Moved by _____ ***Seconded by*** _____

THAT the agenda be adopted as

Presented _____

Amended ✓ _____

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 24

Moved by John Rud ***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-1-12, Pt. Lots 16 & 17, Concession 10 – Robert Rockbrune to reduce the front yard setback (with shoreline frontage) from 30 metres to 22 metres; and to reduce the interior side yard from 1.0 metres to 0.61 metres to allow for a shed/workshop which was replaced in 2009 be approved for the following reasons:

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the shed/workshop was built in 2009 replacing an existing structure that was unsafe. It will also serve to maintain the existing shoreline as it is in the same location as the previous structure.**

2. **General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback and the shed/workshop is not any closer to the water than the dwelling is.**

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 is compatible with adjacent waterfront uses.**

Carried ✓
Deferred _____
Refused _____

Chairperson [signature]

Township of Central Frontenac, Committee of Adjustment April 12, 2012

Resolution # 25

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-2-12, Pt. Lot13, Concession 9 – Javad Eshagh Baigi and Mehran Eshagh Beygui to reduce the setback from a wetland from 30 metres to 19.2 metres; and 30 metres to 23.1 respectively be deferred until the applicant submits additional information as set out in Section 3.6.4.2 and Section 3.6.4.5 of the Official Plan.

This includes a soils report, a water quality impact study and a fish habitat assessment. The requirements for this information should be confirmed in consultation with the Quinte Conservation Authority to ensure the information provided will satisfy the requirements of the municipality and the conservation authority and further;

That the applicant submit a site plan which clearly depicts the property boundaries in relation to a building location (building envelope) outside of the 15 metre setback from the 1:100 year floodplain of Big Clear Lake (197.85 m GSC), and that this plan be shared with the Quinte Conservation Authority prior to approval of the minor variance.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment April 12, 2012

Resolution # 26

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-3-12, Pt. Lot 19, Concession 7, William Nicol requesting relief from the front yard setback (with shoreline frontage) from 30 metres to 15 metres to allow for an addition to be built to an existing dwelling be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following: All costs associated with the preparation of the agreement including legal fees to register is the responsibility of the applicant.

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 outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.**

5. **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained and potentially enhanced with deeply rooted native vegetation. This effort will assist in mitigating the effects of erosion and surface runoff on Silver Lake.**

Township of Central Frontenac, Committee of Adjustment April 12, 2012

Resolution # 27

Moved by _____ ***Seconded by*** _____

That this meeting be adjourned until 6:00 p.m. May 24, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

COMMITTEE OF ADJUSTMENT

THURSDAY MARCH 8, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) **Call to order (Chair)**

2) **Approval of Agenda**

3) **Disclosure of pecuniary interest**

4) **Minutes of previous meeting – February 9, 2012**

5) **Unfinished/Old business and business arising from the minutes**

6) **Applications for consent:**

   B-11-11-HI – John Detlor – creation of a new lot

   B-12-11-HI – John Detlor – creation of a new lot

7) **Applications for minor variance:**

   A-13-11 – Dennis Brown – deferred previously

8) **Other planning business** – May meeting date (May 24th)

9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – March 8, 2012

Committee of Adjustment met on March 8, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, Tom Dewey, William Snyder, Normand Guntensperger, John Purdon, Janet Gutowski, Heather Fox

Staff in attendance: Cathy MacMunn, Secretary Treasurer

Public in attendance: John & Jane Detlor, Dennis Brown

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

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

The agenda was introduced.

Resolution #16
Moved by Wayne Millar ***Seconded by John Purdon***
That the agenda be adopted as amended.

Carried

The minutes from February 9, 2012 were introduced.

Resolution #17
Moved by John Purdon ***Seconded by Wayne Millar***
That the minutes of February 9, 2012 be adopted as presented.

Carried

Mr. & Mrs. Detlor have two applications to be dealt with this evening and they both can be discussed at the same time. The first application is B-11-11-HI, Lots 16, 17, 18, Conc. 11 & 12 and the second one; B-12-11-HI. Mr. & Mrs. Detlor were present for the discussion. These applications were deferred previously pending clarification regarding the vesting order Mr. Whetzel the adjacent land owner provided.

Cathy MacMunn, Planning Coordinator/Secretary Treasurer explained that the Solicitor indicated that the vesting order confirmed the ownership of the property as being that of Mr. and Mrs. John Detlor. While access and use of the property by the Wetzel's would be granted for recreation purposes only and not construction, this would not prohibit the Detlors from constructing a dwelling for their own purposes.

Cathy also mentioned that Glenn Tunnock, Planning Consultant indicated that under these circumstances, the severances should be granted. He believes that if the Wetzel's have a right to use the property, it would be considered as an easement or encumbrance such that anyone purchasing the property would have to consider whether this would have any bearing on their purchase decision. From a land use planning standpoint, he does not believe that the vesting order would restrict the development of the property for any of the uses permitted in the zoning by-law. However, in deference to the natural state of the property as it exists today,

Glenn recommended that as much of the natural tree/vegetation cover be protected as is reasonable and that the granting of provisional consent include a requirement for either site plan control (preferably) or a development agreement (51(26)) to ensure that the natural vegetation cover is left undisturbed except for the creation of a building envelope, drive way access and servicing of the lot." Mr. Tunnock provided recommended conditions which are included in the resolution.

KFL&A Public Health has no objection to the proposed severances.

Quinte Conservation Authority has no objection to the proposed severances provided access is via the existing laneway and not from Fifth Lake Road because of the extent of the wetland.

The committee approved both applications with conditions.

Resolution #18

Moved by Wayne Millar ***Seconded by John Purdon***

That Severance Application B-11-11-HI, Lots 16, 17, 18, Conc. 11 & 12, John Detlor be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 5% of the value of land pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

6. ***That a development agreement under Section 51 (26) of the planning act be entered into between the landowner and the Township of Central Frontenac, which shall be circulated to the Quinte Conservation Authority for comment. This agreement is to be registered on title and binding upon the landowner, heirs and successors, requiring that:***

6 continued:

i) The sewage disposal system to be constructed on the property is maintained in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.

ii) A natural vegetation buffer shall be maintained along the limits of the shoreline of Fifth Depot Lake having a depth of no less than 30 m inland from the shoreline. The cutting or removal of trees, shrubs, leaf litter, or ground cover will not be permitted within the natural vegetation buffer except 1) for the removal of dead or diseased trees or noxious plants, 2) for selective thinning of trees to promote denser growth, or 3) for an access corridor not greater than 9m in width is required for access between a dwelling and the shoreline. Clear cutting shall not be permitted in the natural vegetation buffer.

iii) Within the access corridor stairs may be constructed provided they are built with natural materials, wood or stone that blend in with the landscape and are built to follow contours that align across a slope rather than straight down. The width of any constructed staircase shall not exceed 75 cm [30 inches]. Any part of the access corridor not used as a pathway to the lake shall be left in its natural state as part of the vegetation buffer. The installation of armour stone or other measures such as wood chips may be used where specifically designed to prevent erosion of a slope.

iv) The storage of fuels, pesticides or herbicides shall not be permitted within the natural vegetation buffer.

v) Beyond the 30 m natural vegetation buffer, a building envelope may be created for the purposes of the construction of a dwelling, sewage disposal system, and water well, permitted accessory buildings and structures and an access driveway. Beyond the required building envelope, as much of the lot as is reasonable shall be left in its natural state where the conservation or improvement of the vegetation cover will be encouraged.

vi) Only floating, pipe or cantilever docks may be installed so as not to disturb substrates and natural shoreline processes (i.e. sediment transport, water movement). Treatment of lumber to be used for docks should take place before the structure is in place and well away from the water's edge.

vii) No in-water structures (stumps, logs and boulders) should be removed for dock construction or any other in-water work. No removal of aquatic vegetation should take place as plants are essential for the production of fish food, providing shelter, spawning habitat and water filtration.

viii) The services of a qualified professional may be engaged by the applicant at any time in the design or maintenance of the natural vegetation buffer, installation/construction of any improvements on the lot or the development of conservation measures.

ix) That the applicant is responsible to pay all costs including legal fees for preparation of the agreement as well as registration.

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

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

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

Carried

Resolution #19

Moved by Wayne Millar *Seconded by John Purdon*

That Severance Application B-12-11-HI, Lots 16, 17, 18, Conc. 11 & 12, John Detlor be approved subject to the following conditions:

1. *That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.*

2. *That the applicant provides one copy 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*

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

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

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

Carried

The next application heard was minor variance application A-13-11, Pt. Lot 8, Conc. 5, Dennis Brown.

Cathy MacMunn, Planning Coordinator led the committee through the application which is permit a reduced front yard setback (with shoreline frontage) from 30 metres to 9.45 metres to the cottage to allow for an addition to the side of the existing cottage along with a deck. The existing deck on the front of the cottage is also to be replaced.

This application was previously deferred because during the site visit it was determined that in fact the cottage was 9.45 m or 31 feet from the high water mark and not 13.71 m or 45 feet. Mr. Brown also had to work with the Public Health Inspector to achieve the required 15 m from the water for his leaching pit.

On January 16, 2012 the KFL&A Public Health approved the leaching pit and therefore has no objections to the minor variance.

Quinte Conservation Authority reviewed the application along with all pertinent information relating to the application with respect to their regulations and as such do not object to the approval of this application as the proposed addition will not be closer to the water than the existing building.

The committee approved with conditions.

Resolution #20
Moved by Jeff Matson ***Seconded by Tom Dewey***

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-13-11, Pt. Lot 8, Concession 5 – Dennis Brown to reduce the front yard setback (with shoreline frontage) from 30 metres to 9.45 metres to allow for an addition to the existing cottage as well as extending the deck be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and that all costs associated with the preparation of the agreement including legal fees to register is the responsibility of the applicant.

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 outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.**

5. **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained and enhanced, to a minimum depth of 3 metres with deeply rooted native vegetation. This effort will assist in mitigating the effects of erosion and surface runoff on Horseshoe Lake.**

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the addition and deck expansion will not be going any closer to the water than the existing cottage and deck are. It will also serve to maintain the existing shoreline.**

2. **General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback and the proposed addition and deck will not be going any closer to the water.**

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 leaching pit for the grey water and is compatible with adjacent waterfront uses.**

Carried

No further planning business was brought forth.

Resolution #21

Moved by Tom Dewey ***Seconded by Jeff Matson***

That this meeting be adjourned until 6:00 p.m. April 12, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

_____ _____

Chairperson Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for March 8, 2012

(Sharbot Lake)

Resolution # 16

Moved by _____ ***Seconded by*** _____

THAT the agenda be adopted as

Presented _____

Amended _____

Carried _____
Deferred _____
Refused _____

Chairperson _____

Resolution # 17

Moved by John Purdon ***Seconded by*** Joseph C. Mellon

THAT the minutes of February 9, 2012 be adopted as:

Presented ✓

Amended _____

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment March 8, 2012

Resolution # 18

Moved by _____ ***Seconded by*** _____

That Severance Application B-11-11-HI, Lots 16, 17, 18, Conc.11 & 12, John Detlor be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

6. ***That a development agreement under Section 51 (26) of the planning act be entered into between the landowner and the Township of Central Frontenac, which shall be circulated to the Quinte Conservation Authority for comment. This agreement is to be registered on title and binding upon the landowner, heirs and successors, requiring that:***

   i) ***The sewage disposal system to be constructed on the property is maintained in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.***

   ii) ***A natural vegetation buffer shall be maintained along the limits of the shoreline of Fifth Depot Lake having a depth of no less than 30 m inland from the shoreline. The cutting or removal of trees, shrubs, leaf litter, or ground cover will not be permitted within the natural vegetation buffer except 1) for the removal of dead or diseased trees or noxious plants, 2) for selective thinning of trees to promote denser growth, or 3) for an access corridor not greater than 9m in width is required for access between a dwelling and the shoreline. Clear cutting shall not be permitted in the natural vegetation buffer.***

   iii) ***Within the access corridor stairs may be constructed provided they are built with natural materials, wood or stone that blend in with the landscape and are built to follow contours that align across a slope rather than straight down. The width of any constructed staircase shall not exceed 75 cm [30 inches]. Any part of the access corridor not used as a pathway to the lake shall be left in its natural state as part of the vegetation buffer. The installation of armour stone or other measures such as wood chips may be used where specifically designed to prevent erosion of a slope.***

iv) ***The storage of fuels, pesticides or herbicides shall not be permitted within the natural vegetation buffer.***

v) ***Beyond the 30 m natural vegetation buffer, a building envelope may be created for the purposes of the construction of a dwelling, sewage disposal system, water well, permitted accessory buildings and structures and an access driveway. Beyond the required building envelope, as much of the lot as is reasonable shall be left in its natural state where the conservation or improvement of the vegetation cover will be encouraged.***

vi) ***Only floating, pipe or cantilever docks may be installed so as not to disturb substrates and natural shoreline processes (i.e. sediment transport, water movement). Treatment of lumber to be used for docks should take place before the structure is in place and well away from the water's edge.***

vii) ***No in-water structures (stumps, logs and boulders) should be removed for dock construction or any other in-water work. No removal of aquatic vegetation should take place as plants are essential for the production of fish food, providing shelter, spawning habitat and water filtration.***

viii) ***The services of a qualified professional may be engaged by the applicant at any time in the design or maintenance of the natural vegetation buffer, installation/construction of any improvements on the lot or the development of conservation measures.***

ix) ***That the applicant is responsible to pay all costs including legal fees for preparation of the agreement as well as registration.***

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

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

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

Carried ✓
*Deferred*_____
*Refused*_____

Chairperson Fran Smith

Township of Central Frontenac, Committee of Adjustment March 8, 2012

Resolution # 19
Moved by _____ ***Seconded by*** _____

That Severance Application B-12-11-HI, Lots 16, 17, 18, Conc.11 & 12, John Detlor be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

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

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

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

Carried V
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment March 8, 2012

Resolution # 20

Moved by Jeff Mc ***Seconded by*** Lorraine Lowry

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-13-11, Pt. Lot 8, Concession 5 – Dennis Brown to reduce the front yard setback (with shoreline frontage) from 30 metres to 9.45 metres to allow for an addition to the existing cottage as well as extending the deck be approved for the following conditions and reasons:

That the applicant enters into a development agreement with the municipality to address the following and that all costs associated with the preparation of the agreement including legal fees to register is the responsibility of the applicant.

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 outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.**
5. **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained and enhanced, to a minimum depth of 3 metres, with deeply rooted native vegetation. This effort will assist in mitigating the effects of erosion and surface runoff on Horseshoe Lake.**

FOR THE FOLLOWING REASONS:

1. **The variance is minor because the impacts will not further negatively affect the environment as the addition and deck expansion will not be going any closer to the water than the existing cottage and deck are. It will also serve to maintain the existing shoreline.**

2. **General intent is to maintain a reasonable setback given the existing dwelling is already within the 30 metre setback and the proposed addition and deck will not be going any closer to the water.**

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 leaching pit for the grey water and is compatible with adjacent waterfront uses.**

Carried V
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 21

Moved by _____ ***Seconded by*** _____

That this meeting be adjourned until 6:00 p.m. April 12, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

COMMITTEE OF ADJUSTMENT

THURSDAY FEBRUARY 9, 2012 – 6:00 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) Call to order (Chair)
2) Approval of Agenda
3) Disclosure of pecuniary interest
4) Minutes of previous meeting – January 19, 2012
5) Unfinished/Old business and business arising from the minutes
6) Applications for consent:

   B-21-11-HI – Doug Brown – creation of a new lot

   B-22-11-HI – Doug Brown – creation of a new lot

   B-23-11-HI – Doug Brown – creation of a new lot

   B-11 & B-12-11-HI – John Detlor – response from his lawyer

7) Applications for minor variance:

   Nil

8) Other planning business – Decision on the Gaikis OMB
9) Adjournment

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for February 9, 2012

(Sharbot Lake)

Resolution # 10

Moved by _____ ***Seconded by*** _____

THAT the agenda be adopted as

Presented _____

Amended _____

Carried _____
Deferred _____
Refused _____

Chairperson _____

Resolution #

Moved by John Purdon ***Seconded by*** Doug O'Mellon

THAT the minutes of January 19, 2012 be adopted as:

Presented ✓

Amended _____

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 12
Moved by ***Seconded by***

That Severance Application B-21-11-HI, Pt. Lot 25, Conc.7, Doug Brown be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 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:***

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

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

Carried V
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac, Committee of Adjustment February 9, 2012

Resolution # 13
Moved by Roman Lewy ***Seconded by*** W.P. Snyder

That Severance Application B-22-11-HI, Pt. Lot 25, Conc.7, Doug Brown be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

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

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

Carried ✓
Deferred _____
Refused _____

Chairperson Tom Smith

Resolution # 14
Moved by _____ ***Seconded by*** _____

That Severance Application B-23-11-HI, Pt. Lot 25, Conc.6, Doug Brown be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives 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:***

   ii) Maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.

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

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

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 15

Moved by _____ ***Seconded by*** _____

That this meeting be adjourned until 6:00 p.m. March 8, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Township of Central Frontenac Committee of Adjustment Minutes – February 9, 2012

Committee of Adjustment met on February 9, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, Tom Dewey, William Snyder, Normand Guntensperger, John Purdon

Staff in attendance: Cathy MacMunn, Secretary Treasurer

Public in attendance: Doug Brown

The purpose of the meeting is to discuss three consent applications and a report regarding the Detlor consent applications.

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

The agenda was introduced.

Resolution #10
Moved by Wayne Millar ***Seconded by Normand Guntensperger***
That the agenda be adopted as presented.
Carried

The minutes from January 19, 2012 were introduced.

Resolution #11
Moved by John Purdon ***Seconded by Wayne Millar***
That the minutes of January 19, 2012 be adopted as presented.
Carried

Mr. Brown has three applications to be dealt with this evening and can be discussed together. The first application is B-21-11-HI, Pt. Lot 25, Conc. 7, the second one; B-22-11-HI and thirdly B-23-11-HI. Mr. Brown was present for the discussion.

John Purdon asked why Dustin Peters name is on the application and the reports refer to Doug Brown. Cathy mentioned that the property is actually in the name of Doug Brown and therefore reports need to in the owners' name.

Cathy MacMunn, Planning Coordinator led the committee through the application explaining that this application was previously deferred as there were two MX – Mineral Aggregate Resource Zones on adjacent properties which affected this application. A revised sketch and severance applications were required prior to moving forward with the applications which have now been received. The proposed consent application A1 is being severed as a new lot which meets the required road frontage and lot size for a lot within the Rural Area of the Official Plan.

Cathy noted that the influence area from the mineral aggregate resource area is 300 metres for pits and that the proposed severance is outside of this area and therefore conforms to the Official Plan.

This proposed lot is within the Rural Zone which has a variety of permitted uses including single detached and seasonal dwellings. This lot has frontage on the Cronk Road which is a maintained township road and therefore conforms to the zoning by-law. There appears to be a suitable building location that meets all the requirements of the zoning by-law.

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

Rideau Valley Conservation Authority recommends that a 30 metre setback for disturbance and development be maintained from the edge of the wetland and channel of the watercourse. Any crossing/interference with the watercourse is subject to Ontario Regulation 174-06 and subject to prior written approval from the RVCA. We note that it appears that approximately one–third of the proposed lot is accessible from the Township road *and* also situated outside the wetland or watercourse setback area.

The committee approved the application with conditions.

Resolution #12

Moved by Wayne Millar ***Seconded by Normand Guntensperger***

That Severance Application B-21-11-HI, Pt. Lot 25, Conc.7, Doug Brown be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides one copy 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 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:***

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

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

Carried

The second application for Brown being heard was B-22-11-HI, Pt. Lot 25, Conc. 7.

Cathy MacMunn, Planning Coordinator led the committee through the application which is similar to B-21-11-HI which conforms to the Official Plan and Zoning By-law. The only difference is that the proposed lot is already an established lot with a dwelling and outbuildings.

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

Rideau Valley Conservation Authority recommends that a 30 metre setback for disturbance and development be maintained from the edge of the wetland and channel of the watercourse for any additional development. Any crossing/interference with the watercourse is subject to Ontario Regulation 174-06 and is subject to prior written approval from the RVCA.

The committee approved with conditions.

Resolution #13
Moved by Tom Dewey ***Seconded by W.P. Snyder***

That Severance Application B-21-11-HI, Pt. Lot 25, Conc.7, Doug Brown be approved subject to the following conditions:

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

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives an amount satisfactory to the Township of up to 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

Resolution # 13 continued:

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

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

Carried

The last application for Brown heard was B-23-11-HI, Pt. Lot 25, Conc. 6.

Cathy MacMunn, Planning Coordinator led the committee through the application which is similar to the two previous applications B-21 and B-22-11-HI.

The proposed consent application B1 is being severed as a new lot which meets the required road frontage and lot size for a lot within the Rural Area of the Official Plan. As like application B-21-11-HI there is an MX Zone adjacent to the proposed lot. It looks from the sketch that the south east corner lot line is on the boundary of the 300 metres.

There is organic soils located on a portion of the severed lot and the Official Plan states that organic soils are described as those soils normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for a sufficient enough time to permit the breakdown of vegetative material. As a result, these soils may not contain sufficient strength to support a building or structure.

Organic soils shall be considered as a constraint to development and no development shall be permitted including the installation of sewage disposal systems unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Building Code* can be met.

It is believed that a dwelling could be located outside of this area and therefore this application conforms to both the Official Plan and Zoning By-law.

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

Rideau Valley Conservation Authority made the same recommendation for this application as the other two that a 30 metre setback for disturbance and development be maintained from the edge of the wetland and channel of the watercourse for any additional development. Any crossing/interference with the watercourse is subject to Ontario Regulation 174-06 and is subject to prior written approval from the RVCA.

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

The committee approved with conditions.

Resolution #14

Moved by Tom Dewey ***Seconded by Jeff Matson***

That Severance Application B-23-11-HI, Pt. Lot 25, Conc.6, Doug Brown be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives 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:***

   ii) Maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.

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

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

Carried

Cathy MacMunn informed the committee that we received a response from Mr. Detlor's lawyer regarding the vesting order and as a result, the committee agreed to go forth with the Detlor applications at the next meeting which is scheduled for March 8, 2012.

The other planning business was the Ontario Municipal Board decision for the Gaikis minor variance. Cathy mentioned that the board dismissed Mr. Gaikis's appeal and we are waiting on confirmation as to whether he has to abide to the 30 metre setback or the 25.6 metres that the committee approved.

No further planning business was brought forth.

Resolution #15

Moved by Jeff Matson ***Seconded by Tom Dewey***

That this meeting be adjourned until 6:00 p.m. March 8, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Francis L Smith
Chairperson

Cathy MacMunn
Secretary-Treasurer

COMMITTEE OF ADJUSTMENT

THURSDAY JANUARY 19, 2012 – 6:30 P.M.

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) **Appointment of Chair for 2012**
2) **Call to order (Chair)**
3) **Approval of Agenda**
4) **Disclosure of pecuniary interest**
5) **Minutes of previous meeting – December 15, 2012**
6) **Unfinished/Old business and business arising from the minutes**
7) **Applications for consent:**

   B-24-11-OL – Joan Voss, JohnVoss, GizelleTriest – creation of a new lot

   B-01-12-KE – Walter Steiner – lot addition

8) **Applications for minor variance:**

   A-1-12 – Robert Rockbrune - reduction from high water mark to replace a shed/workshop – to be deferred

   A-2-12 – Javad Eshagh Baigi – reduction from high water mark to build a cottage – to be deferred

9) **Other planning business**
10) **Adjournment**

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for January 19, 2012

(Sharbot Lake)

Resolution # 1

Moved by Wayne O'Malley ***Seconded by*** Norman Griffin

THAT Fran Smith ***be elected as Chair of the Committee of Adjustment for 2012.***

Carried √
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 2

Moved by Norm Critchley ***Seconded by*** Wayne O'Mullan

THAT the agenda be adopted as

Presented ✓

Amended _____

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 3

Moved by _____ ***Seconded by*** _____

THAT the minutes of December 15, 2011 be adopted as:

Presented ✓

Amended _____

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 4

Moved by _____ ***Seconded by*** _____

That Severance Application B-24-11-OL, Pt. Lot 8, Conc.7, Joan Voss, John Voss and Gizelle Triest be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

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

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

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # C

Moved by _____ ***Seconded by*** _____

That Severance Application B-01-12-KE, Pt. Lot 8, Conc.5, Walter Steiner be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

2. ***That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. ***That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***

4. ***That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. ***That the Township of Central Frontenac receives 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***

6. ***In accordance with section 50(12) of the Planning Act, the deed 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

   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 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. ***That approval is obtained from the KFL&A Public Health prior to the deed being stamped.***

9. ***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 19, 2012

Resolution # 3 6

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-1-12, Pt. Lots 16 & 17, Concession 10 – Robert Rockbrune to reduce the front yard setback (with shoreline frontage) from 30 metres to 22 metres; be deferred until such time as the site visits can be completed.

Carried ✓
Deferred _____
Refused _____

Chairperson _____

Resolution # 8 7

Moved by W.P. Snyder ***Seconded by*** J. Sherman

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-2-12, Lot 13, Concession 9 – Javad Eshagh Baigi & Mehran Eshagh Baigi to reduce the side yard setback (with shoreline frontage) from 30 metres to 19.20 metres be deferred until such time as the site visits can be completed.

Carried V
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 58

Moved by W. F. Tompkins ***Seconded by*** Heather J. Fry

That the request from Shirley Dewey to reduce the lot addition consent fee from $550.00 to $275.00 be approved.

Carried ✓
Deferred _____
Refused _____

Chairperson Fran Smith

Resolution # 9

Moved by Heather J. Fox ***Seconded by*** W.R. Snyder

That this meeting be adjourned until 6:00 p.m. February 9th, 2012 at the Soldiers Memorial Hall, Sharbot Lake

Carried ✓
Deferred _____
Refused _____

Chairperson Tom Smith

Township of Central Frontenac Committee of Adjustment Minutes – January 19, 2012

Committee of Adjustment met on January 19, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, Tom Dewey, William Snyder, Normand Guntensperger, Heather Fox, John Purdon, Janet Gutowski

Staff in attendance: Cathy MacMunn, Secretary Treasurer

Public in attendance: Tom MacDonald who is acting as the agent for the two consent applications being discussed this evening.

Tom Dewey declared a conflict regarding the Walter Steiner severance and left the table for the discussion on that application.

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

First order of business was to elect a chair person for 2012.

Resolution #1

Moved by Wayne Millar ***Seconded by Normand Guntensperger***

THAT Frances Smith be elected as Chair of the Committee of Adjustment for 2012.

Carried

The agenda was introduced.

Resolution #2

Moved by Normand Guntensperger ***Seconded by Wayne Millar***

That the agenda be adopted as presented.

Carried

The minutes from December 15, 2011 were introduced.

Resolution #3

Moved by Wayne Millar ***Seconded by Normand Guntensperger***

That the minutes of December 15, 2011 be adopted as presented.

Carried

The first application heard was B-24-22-OL, Pt. Lot 8, Conc. 7, Joan Voss, John Voss and Giselle Triest. Tom MacDonald is the agent for this application and was present for the discussion.

Cathy MacMunn, Planning Coordinator led the committee through the application explain that the proposed consent application is to sever a new lot which meets the required road frontage and lot size for a lot within the rural zone. The lot has frontage on the Tryon Road which is a maintained township road. There is an existing cabin on the severed portion which is has been there for some time and is considered non-complying. If there are plans to upgrade the cabin a minor variance will be required as it does not meet the 30 metre setback from the wetland. The staff does not have any concerns and supports the proposed consent application.

John Purdon asked how large the cabin was. Unfortunately, Cathy was unable to answer the question. There are concerns with the location of the cabin as it is close to the wetland.

Resolution #4

Moved by Janet Gutowski ***Seconded by Wayne Millar***

That Severance Application B-24-11-OL, Pt. Lot 8, Conc.7, Joan Voss, John Voss and Giselle Triest be approved subject to the following conditions:

1. ***That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 51 (17) or (24) of the Planning Act.***

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

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

Carried

The second application heard was B-01-12-KE, Pt. Lot 8, Conc. 5, Walter Steiner. Tom MacDonald is also acting as the agent for this application.

Cathy MacMunn, Planning Coordinator led the committee through the application explain that the proposed consent application is for a lot addition which will be added to the adjacent waterfront lot. The severed parcel is 0.261 ha or 0.6 acres and has frontage on Astor Drive. The retained lands is 25.74 ha or 63 acres which has frontage on Cranberry Lake Road, Astor Drive and See Drive. The reason the severance is being sought is the owner of the waterfront lot Mr. & Mrs. Dewey built a garage on this parcel of land believing they owned it.

Cathy further explained that a letter was received by Shirley Dewey explaining that they received a building permit for the garage back in June 2005 at which time the building inspector determined that the area where the garage is currently sitting complied with all zoning regulations and issued the permit. Recently, it was determined that they did not own the property and therefore to correct the situation a severance was required. In the letter Mrs. Dewey is requesting the committee of adjustment to grant relief on all or a portion of the application fees for the severance.

The other issue is that a rezoning will be required as a condition of the severance as the waterfront lot is within the waterfront residential zone and the severed parcel is in the rural zone.

John Purdon asked why Mr. Steiner has to apply for the rezoning and not the purchaser (Mr. & Mrs. Dewey). Cathy mentioned that the Dewey's are not the owners of the property yet.

The other question was the cost that the KFL&A Public Health and the Quinte Conservation Authority charge for lot additions and why it is necessary when like this application there is already a building on it and no septic system. Why do we circulate to these agencies and do we need their comments.

Cathy mentioned that Quinte Conservation Authority never use to be circulated on lot additions but now they wish to receive them and they will be charging a clearance fee which is $150.00. Cathy also stated that under the planning act we are required to circulate to the conservation authorities. Cathy will check the requirements regarding the Public Health. The committee approved the application with conditions.

Resolution #5

Moved by Wayne Millar ***Seconded by Janet Gutowski***

That Severance Application B-01-12-KE, Pt. Lot 8, Conc.5, Walter Steiner 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.***

Resolution #5 continued:

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. ***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

   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 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. ***That approval is obtained from the KFL&A Public Health prior to the deed being stamped.***

9. ***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 minor variances A-1-12, Pt. Lots 16 & 17, Conc. 10, Robert Rockbrune and A-2-12, Lot 13, Conc. 9 – Javad Eshagh Baigi & Mehran Eshagh Baighi. Cathy MacMunn, Planning Coordinator explained to the committee that due to the time of year site visits are difficult to complete and therefore, request that both of these applications be deferred until the site visits can be done. The committee concurred with the staff and deferred the applications.

Resolution #6

Moved by Tom Dewey ***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-1-12, Pt. Lots 16 & 17, Concession 10 – Robert Rockbrune to reduce the front yard setback (with shoreline frontage) from 30 metres to 22 metres; be deferred until such time as the site visits can be completed.

Carried

Resolution #7

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-2-12, Lot 13, Concession 9 – Javad Eshagh Baigi & Mehran Eshagh Baigi to reduce the side yard setback (with shoreline frontage) from 30 metres to 19.20 metres be deferred until such time as the site visits can be completed.

Carried

The committee then discussed the letter from Shirley Dewey who was requesting the committee to grant her relief from a portion of, or all, the application fee for the severance. Staff, believes there is some onus on the parties involved to know where their property boundaries are, but under the circumstances and that a building permit was issued, staff are recommending that the committee only refund half of the severance application fee.

Resolution #8

Moved by W.P. Snyder ***Seconded by Heather J. Fox***

That the request from Shirley Dewey to reduce the lot addition consent fee from $550.00 to $275.00 be approved.

Carried

The committee then discussed dates for upcoming meetings. It was decided to meet the second Thursday of the month.

No further planning business was brought forth.

Resolution #9

Moved by Heather J. Fox ***Seconded by W.P. Snyder***

That this meeting be adjourned until 6:00 p.m. February 9, 2012 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Frances L Smith
Chairperson

Cathy MacKinnon
Secretary-Treasurer