



COMMITTEE OF ADJUSTMENT

THURSDAY FEBRUARY 14, 2013 – 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 meetings – March 8th, April 12th, May 24th, August 9th, November 15th and December 13th, 2012
- ✓ 5) Unfinished/Old business and business arising from the minutes
- ✓ 6) Applications for consent:
 - ✓ B-17-12-HI – Tom Karlson– lot addition
 - ✓ B-18-12-HI – Tom Karlson – lot addition
- 7) Applications for minor variance
 - ✓ A-21-12 – Barrie Chalmers
 - ✓ A-1-13 – Daniel & Margaret Keere – to be deferred
 - ✓ A-2-13 – Doug & Marilyn Dee – to be deferred
 - ✓ A-3-13 – Sandy Kappa – to be deferred
 - A-4-13 – George Yuhanov – to be deferred
- 8) Other planning business
- 9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes – February 14, 2013

Committee of Adjustment met on February 14, 2012 at 6:00 p.m. at the Municipal Office in Sharbot Lake.

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

Absent: William Snyder, Normand Guntensperger

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

Public in attendance: Tom MacDonald, Keith Ball

The purpose of the meeting is to discuss two (2) consent applications and five (5) minor variance applications.

The first order of business is to elect a chair for 2013.

Resolution #1

Moved by Wayne Millar

Seconded by John Purdon

That Frances Smith be elected Chair of the Committee of Adjustment for 2013.

Carried

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

The agenda was then introduced.

Resolution #2

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 #3

Moved by Wayne Millar

Seconded by John Purdon

That the minutes of March 8th, April 12th, May 24th, August 9th, November 15th and December 13th, 2012 be adopted as presented.

Carried

The first and second applications being heard were consent applications B-17-12-HI and B-18-12-HI, Pt. Lot 26, Concession 2, Tom Karlson who is severing two parcels of land as lot additions which will be added to two existing waterfront lots to the north. Tom MacDonald who is the agent for Mr. Karlson along with Keith Ball was present for the discussion.

Jeremy Neven led the committee through the applications. Consent application B-17-12-HI is being severed as a lot addition and will be added to an existing undersized waterfront lot owned by Judy Valiquette. The severed parcel is 0.6 ha (1.48 ac) and by adding this to the existing waterfront lot it will increase the size to 0.76 ha (1.89 ac) which will bring it closer into conformity with the Official Plan and Zoning By-law.

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There was a discussion regarding the right of way known as South Shore Lane and when it was created. Keith Ball explained when the right of way known as South Shore Lane was created.

The committee approved the application with conditions.

Resolution #4

Moved by Wayne Millar

Seconded by John Purdon

That Severance Application B-17-12-HI, Pt. Lot 26, Conc. 2, Tom Karlson 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. 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 applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the Zoning Amendment are the responsibility of the applicant.*

Resolution # 4 cont'd:

8. *That all those parties that have access over the right of way continue to as it presently exists.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

Consent application B-18-12-HI is being severed as a lot addition and will be added to an existing undersized waterfront lot owned by Keith Ball. The severed parcel is 0.5 ha (1.23 ac) and by adding this to the existing waterfront lot it will increase the size to 0.76 ha (1.9 ac) which will bring it closer into conformity with the Official Plan and Zoning By-law.

The committee approved the application with conditions.

Resolution #5

Moved by John Purdon

Seconded by Wayne Millar

That Severance Application B-18-12-HI, Pt. Lot 26, Conc. 2, Tom Karlson 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. *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)

Resolution # 5 cont'd

deeming the whole lot or block not to be within a plan of subdivision, which by-law shall be registered against title to the land to which the lot addition will be added; or

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

7. *That the applicant applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the Zoning Amendment are the responsibility of the applicant.*
8. *That all those parties that have access over the right of way continue to as it presently exists.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

The next application being heard was minor variance application A-21-12, Pt. Lot 10, Concession 1, Barrie Chalmers who is requesting a reduction from the wetland from 30 metres to 20 metres to allow for the existing structure to be removed and a mobile home be erected on the lot.

Jeremy Neven reviewed the application with the committee. There was a question as to whether or not the County of Frontenac was notified of this application as they are the owner of the trail.

Cathy MacMunn stated that all adjacent properties were notified but would have to check further. An answer will be brought back to the next meeting.

The committee approved the application with conditions.

Resolution #6

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-21-12, Pt. Lot 10, Concession 1, Barrie Chalmers to reduce the setback from the wetland from 30 m to 20 m to allow for the existing structure to be removed and a mobile home to be erected on the lot 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.

Resolution #6 cont'd

1. The wetland 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.
6. That the entrance be off of Brewer Road and that a civic address be obtained.

FOR THE FOLLOWING REASONS:

1. General intent and purpose of the Official Plan is to conserve the first 30 metres from the wetland in its natural state or reinstate the wetland to a naturalized state. It is recognized that this is an existing lot of record occupied by an existing dwelling; given that there is no alternative location for the mobile home and given that the wetland 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 wetland in its natural state by establishing a 30 m area back from the wetland 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 wetland make development physically impossible in meeting the requirements of the by-law. However, the wetland 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 wetland 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 wetland or what is commonly referred to as the 'Ribbon of Life'. 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 coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried

Jeremy then explained that we have four minor variance applications which have to be deferred to allow the staff and required agencies the opportunity to conduct the site visits when the weather permits.

The committee approved the deferrals.

Resolution #7

Moved by Tom Dewey

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-1-13, Pt. Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the front yard setback (with shoreline frontage) from 27 metres to 20.1 metres to the new deck be deferred to allow the staff and required agencies to conduct the site visit.

Carried

Resolution #8

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-2-13, Pt. Lot 7, Concession 11 – Doug & Marilynn Dee to allow for a sleep cabin to be larger than the required 400 square feet be deferred to allow the staff and required agencies to conduct the site visit.

Carried

Resolution #9

Moved by Tom Dewey

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-4-13, Pt. Lot 13, Concession 5 – Sandy Kappa be deferred until the application is deemed complete and to allow the staff and required agencies to conduct the site visit.

Carried

Resolution #10

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-4-13, Pt. Lot 8, Concession 5 – George Yuhanov be deferred to allow the staff and required agencies to conduct the site visit.

Carried

No further planning business was brought forth.

Resolution #11

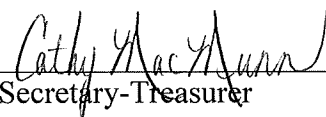
Moved by Tom Dewey

Seconded by Jeff Matson

That this meeting be adjourned until 6:00 p.m. March 14, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

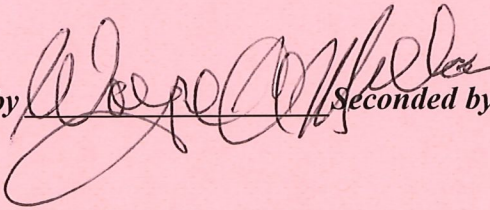
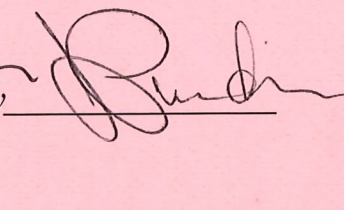
Chairperson



Secretary-Treasurer

Township of Central Frontenac, Committee of Adjustment February 14, 2013

Resolution # /

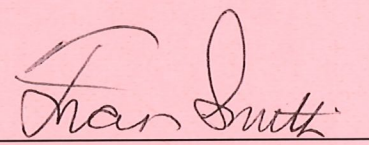
Moved by  **Seconded by** 

THAT Frances Smith be elected Chair of the Committee of Adjustment for 2013.

Carried

Deferred _____

Refused _____

Chairperson 

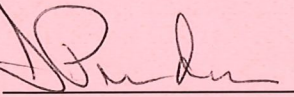
Corporation of the Township of Central Frontenac

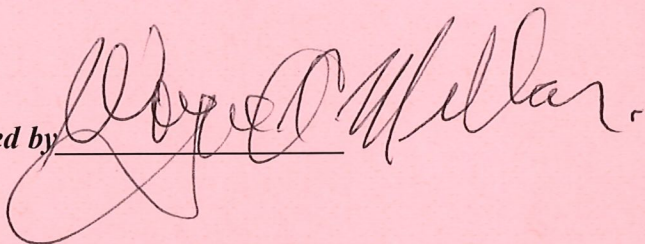
COMMITTEE OF ADJUSTMENT

Resolutions for February 14, 2013

(Sharbot Lake)

Resolution # 2

Moved by 

Seconded by 

THAT the agenda be adopted as

Presented

Amended

Carried

Deferred

Refused

Chairperson 

Resolution # 4
Moved by [Signature] Seconded by [Signature]

That Severance Application B-17-12-HI, Pt. Lot 26, Conc. 2, Tom Karlson 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. 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 applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the Zoning Amendment are the responsibility of the applicant.
- 9 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

That ~~the~~ all those parties ^{that have access over} continue to ~~have access over the~~ the ~~4~~ existing right of way ^{as it presently exists.}

Carried ✓

Deferred _____

Refused _____

Chairperson Alan Smith

Resolution # 5
Moved by [Signature]

Seconded by [Signature]

That Severance Application B-18-12-HI, Pt. Lot 26, Conc. 2, Tom Karlson 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. 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 applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the Zoning Amendment are the responsibility of the applicant.
9. 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

8. 9. That ^{all} those parties that have access ^{over} the right of way ~~that~~ continue as ^{it} present ~~use~~ exists.

Carried ✓

Deferred _____

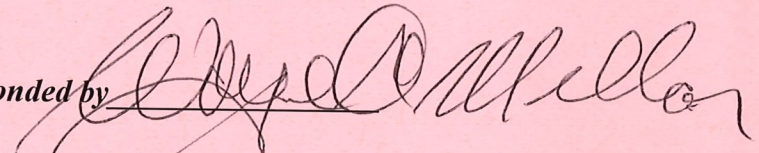
Refused _____

Chairperson Fran Smith

Application # 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-21-12, Pt. Lot 10, Concession 1, Barrie Chalmers to reduce the setback from the wetland from 30 m to 20 m to allow for the existing structure to be removed and a mobile home to be erected on the lot 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. *The wetland 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.*

6. *That the entrance be off of Brewer Road and that a civic address be obtained.*

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to conserve the first 30 metres from the wetland in its natural state or reinstate the wetland to a naturalized state. It is recognized that this is an existing lot of record occupied by an existing dwelling; given that there is no alternative location for the mobile home and given that the wetland 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 wetland in its natural state by establishing a 30 m area back from the wetland 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 wetland make development physically impossible in meeting the requirements of the by-law. However, the wetland 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 wetland 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 wetland or what is commonly referred to as the 'Ribbon of Life'. 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 coupled with the retention of a naturalized shoreline is appropriate development and meets the fourth test.**

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Fran Smith

Resolution # 7

Moved by [Signature] Seconded by [Signature]

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

THAT Minor Variance Application A-1-13, Pt. Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the front yard setback (with shoreline frontage) from 27 metres to 20.1 metres to the new deck be deferred to allow the staff and required agencies to conduct the site visit.

Carried [initials]

Deferred _____

Refused _____

Chairperson _____

[Signature]

Resolution # 8

Moved by [Signature] Seconded by [Signature]

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

THAT Minor Variance Application A-2-13, Pt. Lot 7, Concession 11 – Doug & Marilyn Dee to allow for a sleep cabin to be larger than the required 400 square feet be deferred to allow the staff and required agencies to conduct the site visit.

Carried ✓

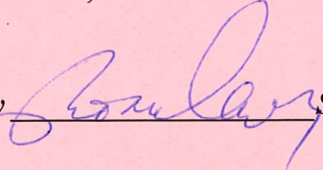
Deferred _____

Refused _____

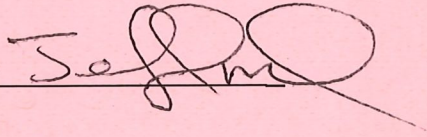
Chairperson [Signature]

Resolution # 9

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.

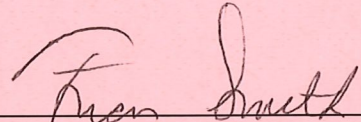
THAT Minor Variance Application A-4-13, Pt. Lot 13, Concession 5 – Sandy Kappa be deferred until the application is deemed complete and to allow the staff and required agencies to conduct the site visit.

Carried

Deferred

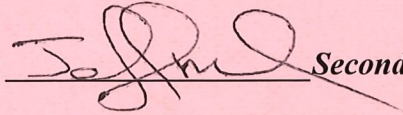
Refused

Chairperson

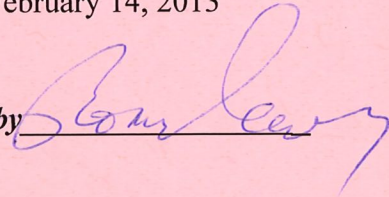


Resolution # 10

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.

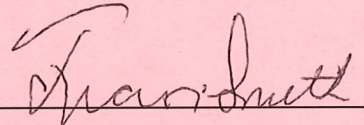
THAT Minor Variance Application A-4-13, Pt. Lot 8, Concession 5 – George Yuhanov be deferred to allow the staff and required agencies to conduct the site visit.

Carried

Deferred

Refused

Chairperson



Resolution # 11

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. March 14, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Deferred

Refused

Chairperson [Signature]

Resolution # 12

Moved by Jeff M Seconded by Wesley Meda

*In the absence of the Chair Frances Smith that Tom Dewey be elected
Chair for this evenings meeting.*

Carried

Deferred

Refused

Chairperson Tom Dewey

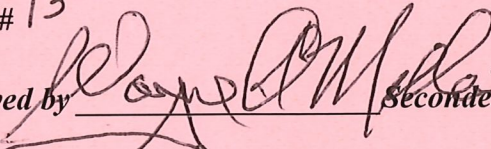
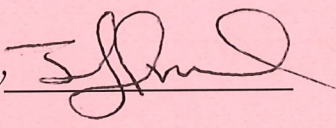
Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT


Resolutions for March 14, 2013

(Sharbot Lake)

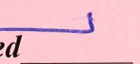
Resolution # 13

Moved by  Seconded by 

THAT the agenda be adopted as

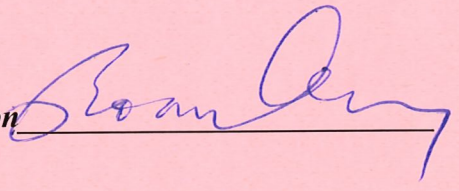
Presented 

Amended _____

Carried 

Deferred _____

Refused _____

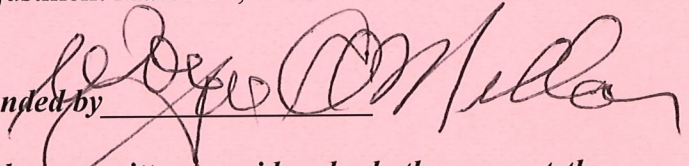
Chairperson 

Resolution # 15

Moved by



Seconded by



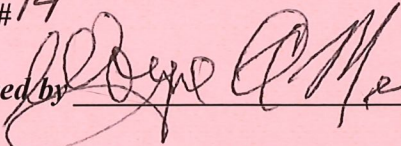
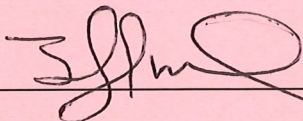
In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained 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 Revised Minor Variance Application A-12-10, Part of east half of Lot 8, Concession 2 – Part 3 on plan 13R10316, Robert Patten to reduce the front yard setback (with water frontage) from 30 m to 25.7 m for an addition to be built to an existing dwelling and to increase the maximum dock area from 27 sq m to 39 sq m be approved with 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. 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. That additional planting of an area equivalent to the size of the building area encroaching on the 30 m setback be enhanced with native plants and further that the naturalized shoreline be retained.*

Resolution #14

Moved by  Seconded by 

THAT the minutes of February 14, 2013 be adopted as

Presented 

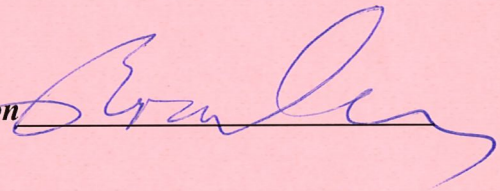
Amended _____

Carried 

Deferred _____

Refused _____

Chairperson



Township of Central Frontenac, Committee of Adjustment, March 14, 2013

Resolution # 66

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. April 11, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]



COMMITTEE OF ADJUSTMENT

THURSDAY MARCH 14, 2013 – 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 14, 2013**
- 5) **Unfinished/Old business and business arising from the minutes**
- 6) **Applications for consent:**

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

A-12-10 – Robert Patten
- 8) **Other planning business**
- 9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – March 14, 2013

Committee of Adjustment met on February 14, 2012 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: William Snyder, Normand Guntensperger, and Frances Smith.

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

Public in attendance: Robert Patten

The purpose of the meeting is to discuss one (1) minor variance application.

The first order of business is to elect a chair the March 14, 2013, due to the absence of Chair Frances Smith.

Resolution #12

Moved by Jeff Matson

Seconded by Wayne Millar

In the absence of the Chair Frances Smith that Tom Dewey be elected Chair for this evenings meeting.

Carried

Tom Dewey, chair called the meeting to order at 6:00 p.m.

The agenda was then introduced.

Resolution #13

Moved by Wayne Millar

Seconded by Jeff Matson

That the agenda be adopted as presented.

Carried

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

The minutes were introduced.

Cathy MacMunn mentioned that there was a question regarding whether or not the County of Frontenac was notified of the minor variance application for Chalmers at the last meeting. Cathy informed the committee that in fact Anne Howes owns the trail near the Chalmers property and therefore the County of Frontenac was not notified of the application since they are not the owner the trail.

Resolution #14

Moved by Wayne Millar

Seconded by Jeff Matson

THAT the minutes of February 14, 2013 be adopted as presented.

Carried

The revised Minor Variance Application A-12-10, Part of east half of Lot 8, Concession 2 – Part 3 on plan 13R10316, Robert Patten to reduce the front yard setback (with water frontage) from 30 m to 25.7 m for an addition to be built to an existing dwelling and to increase the maximum dock area from 27 sq m to 39 sq m was discussed.

The committee approved the application with conditions.

Resolution #15

Moved by Jeff Matson

Seconded by Wayne Millar

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. *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. *That additional planting of an area equivalent to the size of the building area encroaching on the 30 m setback be enhanced with native plants and further that the naturalized shoreline be retained.*

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 for a 30 m vegetation buffer. 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 the reconfiguration of the building will minimize the encroachment into the 30 m setback and given that the shoreline has been retained in a naturalized state, particularly the slope, the general intent of the official plan will be maintained. The applicant should be required to enter into a development agreement to further enhance the vegetation cover to comply with the intent of the Plan in replanting an area equivalent or greater than the area required for the expansion encroachment on the 30 m.**

For these reasons, the application for a variance to reduce the setback of the proposed addition to the seasonal dwelling to 25.7 m [84.7 ft.] meets the first test.

With respect to the variance for the dock, we are satisfied that the intent of the Plan is also met given the improvement in the use of environmentally friendly construction materials, the cantilever construction method to be used and the distance separation that will be maintained from the neighbouring property. For these reasons, the application for a variance to the increase in size of the proposed dock to 39 m² [420 ft.²] meets the first test.

2. General intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre setback from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, however, the location of the sewage disposal system, access and side lot line make development physically impossible in meeting the requirements of the by-law. The applicant has agreed to reconfigure the shape of the expansion to minimize the encroachment into the required shoreline setback. The shoreline has been largely retained in its natural state. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a development agreement designed to retain and enhance the 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 for the extension of the cottage will be met.

The second test will be met with respect to an enlarged dock designed to provide access to one or more boats with the need for an off-shore mooring location.

3. The impact is minor and the continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor for the cottage. The development agreement should also extend to regulating the dock by requiring compliance with the proposed design and the concurrent removal of the existing dock. With the fulfillment of these requirements, the application meets the third test.
4. Is the building or structure desirable for the appropriate development or use of land? The intent of the planning documents (official plan and zoning by-law) is to permit shoreline development that minimizes the impact of buildings and structures on the ecological functions of the natural environment. The proposed expansion of the cottage and the redesign of the dock are appropriate shoreline uses and the design principles to be used in the development of these uses will conserve the ecological values of the shoreline. Allowing uses appropriate for a shoreline environment that conserves ecological values will meet the fourth test.

Carried

No further planning business was brought forth.

Committee of Adjustment Minutes – March 14, 2013 – page 4

Resolution #16

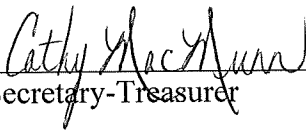
Moved by Wayne Millar

Seconded by Jeff Matson

*That this meeting be adjourned until 6:00 p.m. April 11, 2013 at the Soldiers Memorial Hall,
Sharbot Lake.*

Carried

Chairperson



Secretary-Treasurer



COMMITTEE OF ADJUSTMENT

THURSDAY APRIL 11, 2013 – 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 14, 2013
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:

Nil

- 7) Applications for minor variance
 - ✓ A-5-13 – Warren Gee – reduction from front yard (with shoreline frontage)
 - ✓ A-6-13 – Kalman Tengelyics – reduction from front yard (with shoreline frontage)
 - ✓ A-7-13 – David Galinas – reduction from front yard (with shoreline frontage)
 - ✓ A-8-13 – Mike Dean Butcher Ltd. – reduction of rear yard
- 8) Other planning business
- 9) Adjournment

During the discussion Mr. Gee is receptive to relocate the sleep cabin to meet the 15m setback as recommended but would like to keep the deck on the side of the cottage (the one that projects out 10'). Mr. Gee also mentioned that if the beaver dam was blown that in fact the deck would be further away from the shoreline, the committee agreed to defer the application to allow Quinte Conservation Authority to do a site visit and get the location of the high water mark and the beaver dam.

Resolution #20

Moved by John Purdon

Seconded by Wayne Millar

That Minor Variance Application A-5-13, Part Lot 13, Concession 5 – Warren Gee to reduce the front yard setback (with water frontage) from 30 m to 15 m and 10 m respectively to the deck; from 30 m to 20 m to the addition; and from 30 m to 10 m for the accessory structure be approved with 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. That the sleep cabin be relocated to provide for a minimum setback from the high water mark of 15 metres.***
- 2. That the front deck be removed.***
- 3. That no storage of fuels or other petroleum products be permitted in the sleep cabin.***
- 4. That no further development be permitted within the 30 metre setback including any hardened surfaces such as decks to avoid further impacts to the shoreline.***

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 for a 30 m vegetation buffer. Given that the lot is an existing lot of record occupied by an existing building (cabin) and the addition will not encroach any further into the water setback and given that the front deck be removed and the sleep cabin be relocated to provide for a minimum setback from the high water mark of 15 metres will minimize the encroachment into the 30 m setback and given that the shoreline has been retained in a naturalized state the general intent of the official plan will be maintained. The applicant will be required to enter into a development agreement as a means to protect the shoreline to comply with the intent of the Plan. For these reasons, the application for a variance to reduce the setback of the proposed addition to the cabin meets the first test.**
- 2. General intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre setback from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, however, the location of the sleep cabin is too close to the water and needs to be relocated to provide for a minimum setback from the high water of 15 metres which will minimize the encroachment into the 30 m setback. The shoreline has been largely retained in its natural state. The general intent of the by-law will be met once the front deck has been removed and the sleep cabin is**

relocated and to that extent the second test will be met.

3. **The impact is minor given that the cabin is already existing provided the sleep cabin is relocated to achieve a 15 metre setback, the front deck be removed and that no further development be permitted within the 30 metre setback including any hardened surfaces this 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 planning documents (official plan and zoning by-law) is to permit shoreline development that minimizes the impact of buildings and structures on the ecological functions of the natural environment. The removal of the front deck and relocating of the sleep cabin will conserve the ecological values of the shoreline and to that extent, will meet the fourth test.**

Deferred

Minor Variance A-6-13, Kalman Tengelic, Cathy MacMunn reviewed the staff report with the committee.

Kalman Tengelic addressed the committee regarding his minor variance.

Resolution #21

Moved by Jeff Matson

Seconded by Janet Gutowski

That Minor Variance Application A-6-13, Part Lot 13, Concession 5 – Kalman Tengelic to reduce the front yard setback (with water frontage) from 30 m to 28.6 m and 30 m to 23.7 m to on the wetland side to the cabin be denied for the following reasons:

1. **The intent and purpose 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; and further that development meets the 30 m setback a policy that is further reinforced by the requirement for a 30 m vegetation buffer. The configuration of the lot does permit the building to be relocated to comply with the 30 m setback. 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. To this extent, the first test of conformity to the general intent of the Plan would not be met.**

2. **The intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre setback from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The use does not comply with the requirements of Section 4.23 (e) regarding Water Bodies and Wetlands which states that the minimum setback from the high water mark and the exterior boundary of a wetland for a habitable structure shall be 30 metres and to this extent the second test of conformity to the general intent of the by-law would not be met.**

3. **The impact is not minor and if approved, would not be considered minor due to the increase impact on the water body within 30 metres and therefore it does not meet the test.**

- 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. The location of the cabin 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.**

Deferred

Minor Variance A-7-13, David Galinas, Cathy MacMunn reviewed the staff report with the committee.

Corey Shea represented Mr. Galinas and addressed the committee regarding minor variance A-7-13.

Resolution #22

Moved by Janet Gutowski

Seconded by Jeff Matson

That Minor Variance Application A-7-13, Part Lot 2, Concession 4 – David Galinas to reduce the front yard setback (with water frontage) from 30 m to 26.5 m to replace/update the sewage disposal system.

That the applicant enters into a development agreement with the municipality to address the Rideau Valley Conservation Authority as follows and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

- 1. The removal of existing vegetation shall be limited to only that which is necessary for the installation and long-term operation of the sewage disposal system.***
- 2. Prior to commencement of construction, the area of disturbance shall be isolated by the use of a suitable erosion and sediment control fence to prevent the inadvertent discharge of sediment and nutrients to Crow Lake. The erosion and sediment control fence shall be maintained and remain in place until such time as construction is complete and the disturbed areas have been revegetated.***
- 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. Subject to the approval of the Ministry of Environment.***
- 6. The shoreline of Crow Lake is subject to the "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The regulation requires that the owner of the property obtain the approval of the Rideau Valley Conservation Authority prior to undertaking any alteration to the shoreline. Any applications received in this regard would be assessed within the context of the approved policies for the administration of the regulation, including those for the protection of fish habitat.***

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to that wherever possible, new development or conversions shall take place on an approved Class 4 sewage disposal system. Holding tanks will only be permitted as an upgrade to an existing holding tank installation or to remedy an unsafe system or where no other servicing option is feasible.**
With the replacement of the existing leaching beds with Ecoflo treatment units will provide a higher level of phosphorous removal and to this extent it will meet the first test.
2. **General intent and purpose of the zoning by-law is comparable to the official plan. Permitted uses include a Tourist Establishment and a Tourist Cabin Establishment which complies with this development since there is a lodge and 9 cabins. The lot complies with the minimum lot area and frontage requirements of the by-law. Section 4.36 "Sensitive Bodies of Water" states that despite any part of this by-law to the contrary, within 300 m of the high water mark of Eagle Lake, Crow Lake, Silver Lake and the west basin of Sharbot Lake, the following provisions shall apply: a) Where a permitted use is proposed, such use shall only be permitted on lots of record in existence as of the date of passing this by-law; and therefore to this is an existing use and to this extent it meets the second test.**
3. **The application, if approved, would be considered minor as the Ecoflo treatment units are tertiary systems that provide a better effluent quality than conventional systems and will have more capacity for treatment when compared to the existing system.**
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. The location of the new Ecoflo treatment units in the same location as the existing system will maintain the same setback to the high water mark and will not impact the water body any further. It will also provide a higher level of protection to a lake that is already classified as Sensitive and is considered At-Capacity.**

Carried

Minor Variance A-8-13, Mike Dean Butcher Ltd. was the last application heard.

Gordon and Mike Dean appeared before the committee; Cathy MacMunn reviewed the staff report with the committee.

Resolution #23

Moved by Jeff Matson

Seconded by Janet Gutowski

That Minor Variance Application A-8-13, Part Lot 13, Concession 1, Lots 3-5 on plan 113 – Mike Dean Butcher Limited to reduce the rear yard setback from 7 m to 1.9 m to for an addition to be built to an existing commercial building be approved for the following condition and reasons:

Condition: That approval is obtained by the KFL&A Public Health regarding the existing sewage disposal system.

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to ensure that the lot is adequate for the proposed use, that the land can be serviced with on-site water and that the lot is eligible for a *Building Code* approval or a Certificate of Approval for an on-site sewage disposal system, whichever is applicable provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system treatment capacity for hauled sewage is available and that it has frontage on and direct access to a public road. The subject lands conform to the lot area and frontage, there is an existing sewage system it has frontage on and direct access to a public street and that there is a natural vegetative buffer adjacent to the residential lot at the rear lot line and to this extent it meets the first test.**

2. **General intent and purpose of the zoning by-law is comparable to the official plan. The subject lands are zoned General Commercial in By-law 2011-52, Section 5.7.2. Permitted uses include a Convenience Store which this application complies. The lot also complies with the minimum lot area and frontage requirements of the by-law. Section 5.7.3 additional provisions speak to where a commercial zone abuts a residential zone or a residential use or a sensitive land use a planting strip shall be provided along the abutting lot line. The minimum yard requirements may be reduced in the General Commercial Zone where the lands are located in a built-up area and there is an established building line in accordance with Section 4.10 and to that extent it meets the second test.**

3. **The application, if approved, would be considered minor as the addition is reasonable for the use of subject lands and continued use as a commercial property and therefore meets the third test.**

4. **The proposed expansion of the convenient store is an appropriate commercial use and will continue as a Grocery Store which meets the requirements set out in the zoning by-law and to this extent will meet the fourth test.**

Carried

No further planning business was brought forth.

Resolution #14

Moved by Janet Gutowski

Seconded by Jeff Matson

That this meeting be adjourned until 6:00 p.m. May 9, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Chairperson

Cathy MacMuan

Secretary-Treasurer

Meeting adjourned at 7:30p.m.

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for April 11, 2013

(Sharbot Lake)

Resolution # 17

Moved by

[Handwritten signature]

Seconded by

[Handwritten signature]

In the absence of the Chair Frances Smith that

TOM DEWEY

be elected

Chair for this evenings meeting.

Tom Dewey

Carried

Deferred

Refused

Chairperson

[Handwritten signature]

Resolution # 18

Moved by _____

Seconded by _____

THAT the agenda be adopted as

Presented _____

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson _____

Resolution # 20

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-5-13, Part Lot 13, Concession 5 – Warren Gee to reduce the front yard setback (with water frontage) from 30 m to 15 m and 10 m respectively to the deck; from 30 m to 20 m to the addition; and from 30 m to 10 m for the accessory structure be approved with 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. That the sleep cabin be relocated to provide for a minimum setback from the high water mark of 15 metres.*
- 2. That the front deck be removed.*
- 3. That no storage of fuels or other petroleum products be permitted in the sleep cabin.*
- 4. That no further development be permitted within the 30 metre setback including any hardened surfaces such as decks to avoid further impacts to the shoreline.*

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 for a 30 m vegetation buffer. Given that the lot is an existing lot of record occupied by an existing building (cabin) and the addition will not encroach any further into the water setback and given that the front deck be removed and the sleep cabin be relocated to provide for a minimum setback from the high water mark of 15 metres will minimize the encroachment into the 30 m setback and given that the shoreline has been retained in a naturalized state the general intent of the official plan will be maintained. The applicant will be required to enter into a development agreement as a means to protect the shoreline to comply with the intent of the Plan. For these reasons, the application for a variance to reduce the setback of the proposed addition to the cabin meets the first test.**
- 2. General intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre setback from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, however, the location of the sleep cabin is too close to the**

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 for a 30 m vegetation buffer. 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 the reconfiguration of the building will minimize the encroachment into the 30 m setback and given that the shoreline has been retained in a naturalized state, particularly the slope, the general intent of the official plan will be maintained. The applicant should be required to enter into a development agreement to further enhance the vegetation cover to comply with the intent of the Plan in replanting an area equivalent or greater than the area required for the expansion encroachment on the 30 m. For these reasons, the application for a variance to reduce the setback of the proposed addition to the seasonal dwelling to 25.7 m [84.7 ft.] meets the first test.**


With respect to the variance for the dock, we are satisfied that the intent of the Plan is also met given the improvement in the use of environmentally friendly construction materials, the cantilever construction method to be used and the distance separation that will be maintained from the neighbouring property. For these reasons, the application for a variance to the increase in size of the proposed dock to 39 m² [420 ft.²] meets the first test.

- 2. General intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre setback from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, however, the location of the sewage disposal system, access and side lot line make development physically impossible in meeting the requirements of the by-law. The applicant has agreed to reconfigure the shape of the expansion to minimize the encroachment into the required shoreline setback. The shoreline has been largely retained in its natural state. The general intent of the by-law in protecting the shoreline is met; however the proviso for entering into a development agreement designed to retain and enhance the 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 for the extension of the cottage will be met.**

The second test will be met with respect to an enlarged dock designed to provide access to one or more boats with the need for an off-shore mooring location.

- 3. The impact is minor and the continued retention of the buffer through a site plan agreement will avoid further impacts and consequently the variance can be considered minor for the cottage. The development agreement should also extend to regulating the dock by requiring compliance with the proposed design and the concurrent removal of the existing dock. With the fulfillment of these requirements, the application meets the third test.**

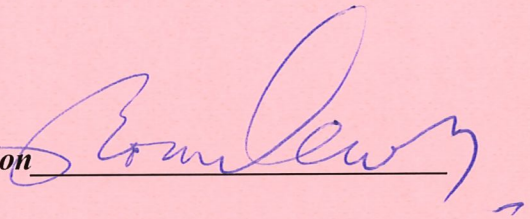
4. Is the building or structure desirable for the appropriate development or use of land? The intent of the planning documents (official plan and zoning by-law) is to permit shoreline development that minimizes the impact of buildings and structures on the ecological functions of the natural environment. The proposed expansion of the cottage and the redesign of the dock are appropriate shoreline uses and the design principles to be used in the development of these uses will conserve the ecological values of the shoreline. Allowing uses appropriate for a shoreline environment that conserves ecological values will meet the fourth test.


Carried _____

Deferred _____

Refused _____

Chairperson _____

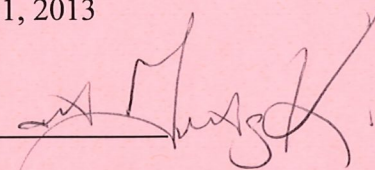


Resolution # 21

Moved by



Seconded by



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

That Minor Variance Application A-6-13, Part Lot 13, Concession 5 – Kalman Tengelic to reduce the front yard setback (with water frontage) from 30 m to 28.6 m and 30 m to 23.7 m to on the wetland side to the cabin be denied for the following reasons:

1. **The intent and purpose 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; and further that development meets the 30 m setback a policy that is further reinforced by the requirement for a 30 m vegetation buffer. The configuration of the lot does permit the building to be relocated to comply with the 30 m setback. 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. To this extent, the first test of conformity to the general intent of the Plan would not be met.**
2. **The intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre setback from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The use does not comply with the requirements of Section 4.23 (e) regarding Water Bodies and Wetlands which states that the minimum setback from the high water mark and the exterior boundary of a wetland for a habitable structure shall be 30 metres and to this extent the second test of conformity to the general intent of the by-law would not be met.**
3. **The impact is not minor and if approved, would not be considered minor due to the increase impact on the water body within 30 metres and therefore it does not meet the test.**
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. The location of the cabin 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 *Tommy*

Resolution # 22

Moved by 

Seconded by 

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

That Minor Variance Application A-7-13, Part Lot 2, Concession 4 – David Galinas to reduce the front yard setback (with water frontage) from 30 m to 26.5 m to replace/update the sewage disposal system.

That the applicant enters into a development agreement with the municipality to address the Rideau Valley Conservation Authority as follows and, further that all legal fees associated with the agreement including registration is the responsibility of the applicant.

1. *The removal of existing vegetation shall be limited to only that which is necessary for the installation and long-term operation of the sewage disposal system.*
2. *Prior to commencement of construction, the area of disturbance shall be isolated by the use of a suitable erosion and sediment control fence to prevent the inadvertent discharge of sediment and nutrients to Crow Lake. The erosion and sediment control fence shall be maintained and remain in place until such time as construction is complete and the disturbed areas have been revegetated.*
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. *Subject to the approval of the Ministry of Environment.*

FOR THE FOLLOWING REASONS:

6. *the shoreline of Crow Lake is subject to the "Development, Interference - over*

1. **General intent and purpose of the Official Plan is to that wherever possible, new development or conversions shall take place on an approved Class 4 sewage disposal system. Holding tanks will only be permitted as an upgrade to an existing holding tank installation or to remedy an unsafe system or where no other servicing option is feasible.**

With the replacement of the existing leaching beds with Ecoflo treatment units will provide a higher level of phosphorous removal and to this extent it will meet the first test.

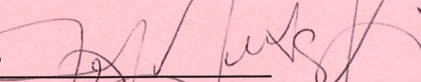
2. **General intent and purpose of the zoning by-law is comparable to the official plan. Permitted uses include a Tourist Establishment and a Tourist Cabin Establishment which complies with this development since there is a lodge and 9 cabins. The lot complies with the minimum lot area and frontage requirements of the by-law. Section 4.36 "Sensitive Bodies of Water" states that despite any**

Resolution # 23

Moved by



Seconded by



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

That Minor Variance Application A-8-13, Part Lot 13, Concession 1, Lots 3-5 on plan 113 – Mike Dean Butcher Limited to reduce the rear yard setback from 7 m to 1.9 m to for an addition to be built to an existing commercial building be approved for the following condition and reasons:

Condition: That approval is obtained by the KFL&A Public Health regarding the existing sewage disposal system.

FOR THE FOLLOWING REASONS:

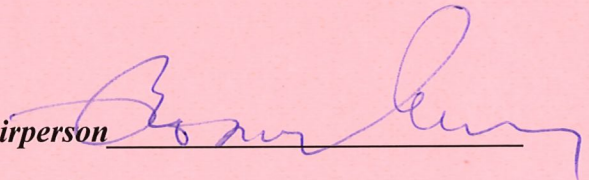
1. **General intent and purpose of the Official Plan is to ensure that the lot is adequate for the proposed use, that the land can be serviced with on-site water and that the lot is eligible for a *Building Code* approval or a Certificate of Approval for an on-site sewage disposal system, whichever is applicable provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system treatment capacity for hauled sewage is available and that it has frontage on and direct access to a public road. The subject lands conform to the lot area and frontage, there is an existing sewage system it has frontage on and direct access to a public street and that there is a natural vegetative buffer adjacent to the residential lot at the rear lot line and to this extent it meets the first test.**
2. **General intent and purpose of the zoning by-law is comparable to the official plan. The subject lands are zoned General Commercial in By-law 2011-52, Section 5.7.2. Permitted uses include a Convenience Store which this application complies. The lot also complies with the minimum lot area and frontage requirements of the by-law. Section 5.7.3 additional provisions speak to where a commercial zone abuts a residential zone or a residential use or a sensitive land use a planting strip shall be provided along the abutting lot line. The minimum yard requirements may be reduced in the General Commercial Zone where the lands are located in a built-up area and there is an established building line in accordance with Section 4.10 and to that extent it meets the second test.**
3. **The application, if approved, would be considered minor as the addition is reasonable for the use of subject lands and continued use as a commercial property and therefore meets the third test.**

4. The proposed expansion of the convenient store is an appropriate commercial use and will continue as a Grocery Store which meets the requirements set out in the zoning by-law and to this extent will meet the fourth test.

Carried ✓

Deferred _____

Refused _____

Chairperson 

Resolution # 24

Moved by [Signature]

Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. May 9, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

First Application discussed was minor variance A-5-13, Warren
Gee

Cathy reviewed the staff report with the committee.

Warren Gee addressed the committee and mentioned that he spoke to Ian Tuckett some time ago ~~on~~ regarding a bldg permit and was told he did not need one for a bldg less than 108 sq. ft.

During the discussion Mr. Gee is receptive to ~~move~~ relocate the sleep cabin to meet the 15m setback as recommended but would like to keep the deck on the side of the cottage (the one that projects out 10') Mr. Gee also mentioned that if the beaver dam was blown that in fact ~~to~~ the deck would be further away from the shoreline.

It was decided the committee agreed to defer the application to allow ^{Quinta CA to do a site visit & get} confirmation ~~of~~ on the location of the high water mark and ~~about~~ the beaver dam.

Motion # 20

Kalman Tengelic's minor variance was next A-6-13

Cathy reviewed the staff report with the committee.

Kalman Tengelic's addressed the committee.....

Motion # 21

Committee of Adjustment - April 11, 2013
Soldiers Memorial Hall - 6 pm

Present: Tom Dewey, Wayne Miller, John Purdon, Jeff Matson,
Garet Gutowski, Heather Fox

Absent: William Snyder, Normand Gutensperger, Frances Smith

Staff: Cathy MacMunn, Planning Coordinator/Secretary Treasurer,
Jeremy Neven, Chief Building official

Public in attendance: Corey Shea, Kalman Tengelics, Warner Yee,
Carl & Christina Kent, Mary Bartzes, Sean Walsh,
Gordon Dean, Mike Dean

~~Securary interest noted~~ The purpose of the meeting is to discuss
four (4) minor variance applications.

Motion # 17

Tom Dewey, chair called the meeting to order at 6 pm

The agenda was introduced

Motion # 18

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

Minutes were introduced. A couple of items need to be amended.

Motion # 19

David Galinas application

Cory Shea represented Mr. Galinas

Motion # 22

Last application heard was Minor Variance A-8-13 - Mike Sean
Butcher Ltd.

Gordon & Mike Sean appeared before the committee
Cathy reviewed the staff report with the committee.

Motion # 23

Motion # 24

The meeting adjourned at 7:30 pm.



COMMITTEE OF ADJUSTMENT

THURSDAY MAY 23, 2013 – 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 – ^{April 11}~~March 14~~, 2013
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - ✓ B-01-13-HI – George Derue – creation of a new lot
 - ✓ B-02-13-KE – Warren Walker – lot addition
 - ✓ B-03-13-KE – Warren Walker – creation of a new lot
 - ✓ B-04-13-OS – Estate of Mildred Harvey – creation of a new lot
 - ✓ B-05-13-OS – Estate of Mildred Harvey – creation of a new lot
 - ✓ B-06-13-OL – Estate of Maude MacLean – lot addition
 - ✓ B-07-13-OL – VicMac Holdings Inc. – lot addition
 - ✓ B-09-13-OS – Akira Watanabe – granting of a right of way
 - ✓ B-10-13-OS – Angus Walker – creation of a new lot
- 7) Applications for minor variance
 - ✓ A-1-11 – Robert Douglas – previously deferred
 - ✓ A-4-12 – George & Cathy Gibson – previously deferred
 - ✓ A-5-13- Warren Gee – deferred at the March meeting
 - ✓ A-6-13- Kalman Tengelics – deferred at the March meeting
 - ✓ A-9-13- Greg Sullivan – reduction from high water mark
 - ✓ A-10-13- Johan Rudnick – reduction from high water mark
 - ✓ A-11-13- Lori Ellerbeck – reduction from a water body (Creek) } deferred
 - ✓ A-13-13 – Tim Reeves & Anne Hartford – increase of height of an accessory building
- 8) Other planning business
- 9) Adjournment

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:*
 - 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

Severance application B-02-13-KE, Lot 32, Conc.7, Warren Walker, Cathy MacMunn reviewed the staff report with the committee. This parcel is being severed as a lot addition to an existing waterfront lot which is an existing lot of record on Big Gull Lake. It has 70 metres on Veley Road and has an area of 0.152 ha or 0.375 acres. Tom MacDonald, agent for Mr. Walker was present for the discussion.

Resolution #28

Moved by Jeff Matson

Seconded by Wayne Millar

That Severance Application B-02-13-KE, Lot 32, Conc.7, Warren Walker 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 receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

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

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

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

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

In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a 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

Severance application B-03-13-KE, Lot 32, Conc.7, Warren Walker, Cathy MacMunn reviewed the staff report with the committee. This parcel is being severed as a new lot having a frontage of 110 metres on Big Gull Lake and an area of 0.512 ha or 1.26 acres. Tom MacDonald agent for Mr. Walker was present for the discussion.

The adjacent land owner Janet Lee asked the committee on how the property will be put to use after the severance takes place. She is concerned with the proposed dwelling and how the construction might affect her property. She also wanted to know if she will be informed once a building permit has been issued. The committee informed her that they have no mechanism to control what Mr. Walker may erect in the future but that he will have to comply to all the requirements of the Building Code and Zoning By-law.

Resolution #29

Moved by Wayne Millar

Seconded by Jeff Matson

That Severance Application B-03-13-KE, Lot 32, Conc.7, Warren Walker 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 ribbon of life as set out in the Official Plan and Zoning By-law 2011-52.

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

Carried

Severance application B-06-13-OL, Lot 13, Conc.8, Estate of Maude MacLean, and severance application B-07-13-OL, VicMac Holdings Inc were discussed together. Cathy MacMunn reviewed the staff report with the committee in detail and explained that application B-06-13-OL is currently a private lane known as Valley Lane and will be added to an existing waterfront lot. All those individuals who have deed access over Valley Lane will continue until such time as the owner provides a new access for the individuals. Application B-07-13-OL is a vacant parcel of land adjacent to Valley Lane which will also be added as a lot addition to the waterfront lot. Tom MacDonald agent for both applications was present for the discussion.

Chris Grnak addressed the committee concerning these applications. He is also representing a number of other owners as they were unable to attend the meeting. The following are what was outlined by Chris in an email which he elaborated on at the meeting.

Zoning and Construction:

The new expanded lot will still require a "subsequent rezoning" application to "residential waterfront". Another application will need to be filed and property owners will be notified again to comment once a proposal for rezoning is submitted. Such rezoning would allow a building (mobile home, seasonal dwelling, singular detached home, group home (handicapped etc subject to studies/services etc), B&B, Garden suite. Not recreational rentals.

However, the Committee can restrict items dealing with planning matters and include conditions such as a rezoning as the lot additions are in a rural zone while the existing waterfront lot is in the Waterfront Residential Zone. The Committee's Recommendation can include restrictions such as.

Part 5 (shoreline lot) to be restricted but could build on Parcel B (back lot) with subsequent rezoning application and a building permit required.

The Committee can disallow a dock as existing by laws apply.

On the basis of this understanding, we respectfully request that the following conditions be added to the Committee's decision:

No building development be permitted on the new expanded lot and the new expanded lot be reflected as rural consistent with the larger 2 parcels current classification.

No dock or water access be permitted on the waterfront lot due to ecological reasons.

No subsequent severance for another 21 years.

Resolution #30

Moved by Jeff Matson

Seconded by Wayne Millar

That Severance Application B-06-13-OL, Lot 13, Conc.8, Estate of Maude MacLean 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 and further that all those who have a right of way over Valley Lane continue.

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

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

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

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

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

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

In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a 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 applies and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the Zoning Amendment are the responsibility of the applicant.*
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

Resolution #31

Moved by Wayne Millar

Seconded by Jeff Matson

That Severance Application B-07-13-OL, Lot 13, Conc.8, VicMac Holdings Inc. 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 and further that all those who have a right of way over Valley Lane continue.*
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
- 5. That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:
*If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.**
- 6. In accordance with section 50(12) of the Planning Act, the deed to be stamped shall state that subsection 50(3) or subsection 50(5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.
*In addition to Condition No. 6 above, if the lands to which the subject lands are being added as a lot addition are themselves a whole lot or block on a plan of subdivision or were created by severance approval to which the provisions of subsection 50(3) do not apply to any subsequent conveyance or transaction, the following additional conditions shall apply:
In the case of a whole lot or block on a plan of subdivision, the applicant and Transferee shall jointly apply for and Council shall pass a 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 applies and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the Zoning Amendment are the responsibility of the applicant.*
- 8. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

Severance application B-10-12-OS, Lot 9 & 10, Conc.1, Angus Walker; Cathy MacMunn reviewed the staff report with the committee. This parcel is being created as a new lot having a frontage of 192 metres on Road 38 and an area of 1.6 ha or 4 acres. Angus Walker along with his agent Tom MacDonald was present for the discussion.

Resolution #32

Moved by Wayne Millar

Seconded by Jeff Matson

That Severance Application B-10-13-OS, Lot 9 & 10, Conc.1, Angus Walker 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 and further that all those who have a right of way over Valley Lane continue.*
- 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.*
 - ii) *No buildings or septic systems shall occur within 30 metres of the seasonal high water mark of the unnamed watercourse.*
 - iii) *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the unnamed watercourse, or onto adjacent properties.*
 - iv) *Vegetation along the shoreline of the unnamed watercourse shall be maintained to a minimum depth of 30 metres. This effort will help mitigate the effects of erosion and surface runoff on the watercourse. 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

Severance applications B-04-13-OS, and B-05-13-OS, Lot 28, 29 & 30, Conc.1, Estate of Mildred Harvey were discussed together. Cathy MacMunn reviewed the staff report with the committee and explained the reason these lots are being created is to settle Mildred Harvey's estate and each of her sons is to inherit a full township lot. Gerald Harvey, Executor was not present for the discussion.

Resolution #33

Moved by Jeff Matson

Seconded by Wayne Millar

That Severance Application B-04-13-OS, Lot 28, 29 & 30, Conc.1, Estate of Mildred Harvey 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 receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

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

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

6. That the applicant applies and obtains an amendment to the Zoning By-law to place the severed and retained lands described as Lot 28 and 29, Conc. 1 to a Rural holding zone – R (h) and Mineral Aggregate Resource holding – MX (h) and also the condition that the holding zone could only be lifted when a public road constructed to a municipal standard is constructed to provide access and frontage for both Lot 28 and 29.

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

Carried

Resolution #34

Moved by Wayne Millar

Seconded by Jeff Matson

That Severance Application B-05-13-OS, Lot 28, 29 & 30, Conc.1, Estate of Mildred Harvey 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 receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:

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

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

6. That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot wherein the owner will:

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

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

Carried

Severance application B-09-13-OS, Pt. Lot 11, Conc.4, Akira Watanabe; Cathy MacMunn reviewed the staff report with the committee. This application is to grant a right of way over an existing laneway so that his other lot will have access. Mr. Watanabe or his agent was not present for the discussion.

Resolution #35

Moved by Jeff Matson

Seconded by Wayne Millar

That Severance Application B-09-13-OS, Pt. Lot 11, Conc.4, Akira Watanabe 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 and further that all those who have a right of way over Valley Lane continue.**
- 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

Minor Variance A-1-11, Part Lot 21, Concession 4, Robert Douglas; Cathy MacMunn reviewed the staff report with the committee. This application was deferred previously and now Mr. Douglas has moved the cottage back the required side yard setback of 3 metres but cannot move it back from the high water mark. Cathy further explained that the lot is only 0.47 acres and has a depth of 125 feet with a slope behind the dwelling and with the rock outcrops it will make it difficult to achieve the full 30 metre setback from the high water mark. Mr. Douglas was present for the discussion. It was approved with conditions.

Resolution #36

Moved by Jeff Matson

Seconded by Wayne Millar

That Minor Variance Application A-1-11, Part Lot 21, Concession 4 – Robert Douglas which was previously deferred in 2011 to reduce the front yard setback (with water frontage) from 30 m to 16.76 m be approved with 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 there will be no further encroachment into the 30 metre water body setback with any additional hardened structures, including porches and decks.*
- 2. With the exception of a maximum 9 metre wide clearing for access the existing shoreline vegetation shall be retained and potentially enhanced with deeply rooted native vegetation on the slope and along the shoreline. This effort will assist in mitigating the effects of erosion and surface runoff on Elbow Lake.*
- 3. 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.*
- 4. 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 revegetated.*
- 5. Excavated material shall be disposed of well away from the lake.*
- 6. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.*

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 for a 30 m vegetation buffer. Given that the lot is an existing lot of record and that the existing structure was destroyed by fire and that the replaced structure will not encroach any further into the water setback than the original dwelling; and given; that the applicant will be required to enter into a development agreement to protect the shoreline by not allowing any further development within the 30 m setback then the intent of official plan will be maintained. For these reasons, the application for a variance to reduce the setback 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. 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 and 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 new dwelling is on the same footprint of the previous structure that was destroyed by fire and has been constructed without significantly disrupting the ecological values of the shoreline vegetation buffer. The impact is minor thus meets the third test.**

- 4. Is the building or structure desirable for the appropriate development or use of land? The intent of the planning documents (official plan and zoning by-law) is to permit shoreline development that minimizes the impact of buildings and structures on the ecological functions of the natural environment. The zoning by-law permits a cottage and requires that the cottage be adequately serviced. The restriction of that no further development is permitted within the 30 metre setback will conserve the ecological values of the shoreline and to that extent, will meet the fourth test.**

Carried

Minor Variance A-4-12, Pt. Lots 1 & 2, Concession 4 – George & Cathy Gibson. Cathy MacMunn reviewed the staff report with the committee. This application was previously deferred as the viewing deck did not meet the requirements of the zoning by-law. The applicants reviewed their options agreed to reduce the size of the viewing deck to meet the size requirement in the zoning by-law which is 179.7 sq feet. The location of the viewing deck is set substantially above the crest of the slope, with little disturbance to the slope to the water. It was approved with conditions.

Resolution #37

Moved by Jeff Matson

Seconded by Wayne Millar

That Minor Variance Application A-4-12, Pt. Lots 1 & 2, Concession 4 – George & Cathy Gibson which was previously deferred in 2012 to reduce the setback from the high water mark from 15 metres to 4.26 metres for a shoreline structure (viewing deck) be approved with 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 viewing deck be reduced from the current 233 sq. ft. to 179.7 sq. ft. to meet the requirements of the zoning by-law.***
- 2. That there will be no further encroachment into the 30 metre water body setback with any additional hardened structures, including decks.***
- 3. That the applicants re-naturalize the shoreline by planting down grade of the deck with native hardy vegetation to reinstate and maintain the ecological values of the Ribbon-of-Life and that the Rideau Valley Conservation Authority be consulted on the type of vegetation required.***

FOR THE FOLLOWING REASONS:

- 1. General intent and purpose of the Official Plan is to conserve the shoreline in its natural state through establishing a minimum setback for structures that property owners would typically wish to construct as accessory to a cottage or permanent residence. The location of the viewing deck is set substantially above the crest of the slope, with little disturbance to the slope to the water and it appears to have minimal impact on the erosion and sedimentation to the lake; and given the reduction in size of the deck to meet the requirements of the Zoning By-law along with re-naturalizing the shoreline by planting hardy vegetation to maintain the ecological values of the Ribbon-of-Life will be met through a development agreement and to this extent the first test will be met.**

Resolution #53-2013.

Moved by [Signature] Seconded by [Signature]

That Severance Application B-11-13-HI, Pt. Lot 14, Conc. 13, Robert Campsall 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 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 payment of the balance of any outstanding taxes is made to the Township Treasurer.
6. 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.
7. 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.
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 # 54-2013

Moved by [Signature] Seconded by [Signature]

That Severance Application B-12-13-OL, Lot 6, Conc.2, Archie & Marilyn Meeks 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 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 the right of way be surveyed at 20 metres and shown on the reference plan.
6. That payment of the balance of any outstanding taxes is made to the Township Treasurer.
7. 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.
8. That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot; wherein there are concerns that a dock could impact the wetland adjoining the lake and fish habitat and will be required to install a minor boardwalk over the wetland area in consultation with the Rideau Valley Conservation Authority and Ministry of Natural Resources as a means to protect the wetland area.
9. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried
Deferred _____
Refused _____

Chairperson [Signature]

Resolution #55-2013

Moved by [Signature]

Seconded by [Signature]

That Severance Application B-13-13-HI, Pt. Lot 24, Conc.6, Rubi Sulyma and John Hoogendam 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 receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

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

That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓
 Deferred _____
 Refused _____

Chairperson [Signature]

Resolution # ⁵⁶⁻²⁰¹³

Moved by *[Signature]*

Seconded by *[Signature]*

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

That Minor Variance Application A-14-13, Part Lot 13, Concession 5 – Paul & Rita Ricciatti to reduce the water body (front yard) setback from 30 m to 6 m for the proposed addition including the deck be approved with the following conditions and reasons.

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

- 1. That a landscaping plan be prepared by a profession^{al} which provides for the restoration of the shoreline and further; that the plan stipulates the directional flow of the drainage from the roof so that it is directed away from the lake to a leach pit or well-vegetated area which will avoid undue erosion or sediment discharge. This can be achieved by installing eaves troughing.*
 - 2. That the replanting plan be reviewed by the Quinte Conservation Authority for their approval and further that all required permits and approvals have been obtained from the Conservation Authority.*
 - 3. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and revegetated.*
 - 4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.*
- 5-4 With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline shall be maintained to a minimum depth of 30 metres.*

In addition, the vegetation on the slope leading to the lake shall be maintained in its entirety in order to help maintain slope stability and mitigate the effects of erosion and surface runoff on the lake. The removal of hazardous trees and the selective "limbing" of trees are considered acceptable.

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 the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 30 m (98.4 ft.) of the shoreline of a lake or a tributary. In situations where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required."**

The first test will only be met through compensating measures to reduce the impact of the additional hard surfaces within 30 m of the shoreline through the provision of a detailed vegetation and naturalization program designed to restore the ecological function of the Ribbon-of-Life.

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 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, the shoreline has not been retained in its natural state and needs to be rehabilitated through a replanting or naturalization program. In addressing the potential impacts of the expanded building, the applicant should be required to enter into a site plan agreement to ensure that drainage from roof run-off is directed away from the lake and that the revegetation program is undertaken. The application will meet the second test if the measures for naturalization are undertaken and other setback requirements are met.**
3. **The application, if approved, would provide for a variance that is 80% for the expanded building from the lake. The impact of this development can only be mitigated in meeting the test of minor if the applicant complies with the require to restore the ecological function of the Ribbon-of-Life to the greatest extent possible.**
4. **Is the building or structure desirable for the appropriate development or use of land? The expansion of the cottage is an appropriate form of development for a lakeside residential use where measures are undertake to restore the ecological balance of the property. The application is desirable for development where the on-site sewage services have the capacity to service the development. We understand that the Health Unit is satisfied that this criterion can be met.**

Carried

Deferred

Refused

Chairperson _____

Frank Smith

Township of Central Frontenac, Committee of Adjustment July 11, 2013

Resolution #57-2013

Moved by John P. ... Seconded by Wayne D. Miller

That this meeting be adjourned until 6:00 p.m. August 8, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓

Deferred

Refused

Chairperson Fran Smith

Resolution # 16-2013

Moved by [Signature] Seconded by [Signature]

That Severance Application B-16-13-KE, Pt. Lot 7, Conc.5, William See 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 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 confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried ✓
Deferred _____
Refused _____

Chairperson [Signature]

Resolution #102-2013

Moved by Heather Fry

Seconded by Bonny Leung

That Severance Application B-17-13-KE, Pt. Lot 7, Conc. 5, William Ryan 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 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 confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓
 Deferred _____
 Refused _____

Chairperson Frank Smith

Resolution # 63-2013

Moved by *Monty Fergus* 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)(a)(i) of the planning act, concur in the following decision.

That Minor Variance Application A-11-13, Part Lot 14, Concession 8 – Lori Ellerbeck and Monty Fergus which was previously deferred in May 2013 to reduce the water body setback from 30 m to 20.7 m for the proposed addition from the creek be approved.

Carried

Deferred

Refused

Chairperson *Heather Fox*

Resolution # 64-2013

Moved by *Richard Joy*

Seconded by *Bonnie Joy*

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-1-13, Part Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the required front yard setback and water body setback from 30 m to 4.2 m to permit the construction of a new deck be deferred to allow for further consultation between the applicants and the planning consultant – Glenn Tunnock.

Carried *✓*

Deferred

Refused

Chairperson *Karen Smith*

Resolution # 65-2013

Moved by [Signature] Seconded by [Signature]

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

That Minor Variance Application A-2-13, Part Lot 7, Concession 11, – Doug and Marilyn Dee to request a variance from Section 4.2 (a) of the Zoning By-law requiring a maximum gross floor area for a sleep cabin of 37 metres squared, and to permit a sleep cabin which as a gross floor area of 40.13 metres squared be deferred to allow the applicant the opportunity to review the planning report and their options before coming back to the committee at the next meeting.

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution #66-2013

Moved by Richard Fox

Seconded by Bonnie Lewis

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-4-13, Part Lot 8, Concession 5, – George Yuhanov to reduce the water body (front yard) setback of Section 5.6.2 of the Zoning By-law from 30 m to 12 m to permit the construction of a seasonal dwelling be deferred to allow applicant the opportunity to review the planning report and their options before coming back to the committee at the next meeting.

Carried

Deferred

Refused

Chairperson Tran Smith

Resolution # ~~67~~-2013

Moved by *[Signature]*

Seconded by *[Signature]*

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

That Minor Variance Application A-16-13, Part Lot 13, Concession 9 – Nancy McCutcheon to reduce the water body (front yard) setback of Section 4.23 (e) (i) and 5.6.2 of the Zoning By-law from 30 m to 12.7 m 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 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. That a restoration of the shoreline through the implementation of a professionally prepared landscaping plan, more specifically the applicant must provide for the replanning of an area equivalent or greater than the area required for the expansion of the cottage. The area is 15.3 m squared or 165 square feet which represents the floor area to be added to the existing cottage and further that the replanting be reviewed and approved by the Quinte Conservation Authority.*
- 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 revegetated.*
- 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, onto the slope, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the lake and the slope to a leach pit or well-vegetated area to allow for maximum infiltration.*

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 for a 30 m vegetation buffer. Given that the lot is an existing lot of record and to reduce the impact of the additional hard surfaces within 30 m of the shoreline through the provision of a detailed vegetation and naturalization program designed to restore**

the ecological function of the Ribbon-of-Life will need to be completed and therefore the first test will be met.

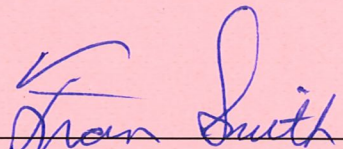
2. General intent and purpose of the zoning by-law is to conserve the shoreline in its natural state by establishing a 30 metre setback from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, the shoreline has not been retained in its natural state and needs to be rehabilitated through a replanting or naturalization program. In addressing the potential impacts of the expanded building, the applicant should be required to enter into a site plan agreement to ensure that drainage from roof run-off is directed away from the lake and that the revegetation program is undertaken. The application will meet the second test if the measures for naturalization are undertaken and other setback requirements are met.
3. The application, if approved, would provide for a variance that is 58% for the expanded building from the lake. The impact of this development can only be mitigated in meeting the test of minor if the applicant complies with the require to restore the ecological function of the Ribbon-of-Life to the greatest extent possible.
4. Is the building or structure desirable for the appropriate development or use of land? The expansion of the cottage is an appropriate form of development for a lakeside residential use where measures are undertaken to restore the ecological balance of the property. The application is desirable for development where the on-site sewage services have the capacity to service the development. We understand that the KFL&A Public Health is satisfied that this criterion can be met.

Carried

Deferred

Refused

Chairperson



Resolution # 68-2013

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-17-13, Part Lot 20, Concession 6, Part 13 plan 13R3917 – Marilyn & Hendrikus Nicolaas Schwing to reduce the required front yard and water setback from 30 m to 21.3 m be denied as there is sufficient land available on the second terrace for the construction of a dwelling for the following reasons: *deferred to allow for comments to be received from the KFL&A Public Health*

REASONS:

1. Does the application meet the general intent and purpose of the Official Plan?

The intent of the official plan is to ensure that development meets the 30 m setback a policy that is further reinforced by the requirement for a 30 m vegetation buffer under Section 3.6.3.11: **“It is the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 30 m (98.4 ft.) of the shoreline of a lake or a tributary.”** No development has occurred on the lot and given that there is sufficient land to build a dwelling without encroaching on the 30 m setback, a variance is not appropriate and would not be in keeping with the intent of the official plan; **hence the application fails the first test.**

2. Does the application meet the general intent and purpose of the zoning by-law?

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 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. The shoreline has been retained in its natural state and development within the 30 m would contravene the intent of the by-law with respect to this application since there is sufficient land on this large lot to accommodate new development; hence the second test will not be met.

3. Is the variance minor?

The application, if approved, would provide for a variance that is 29% (i.e. 21.3 m vs. 30 m) for the proposed seasonal dwelling from the lake. The impact of the variance would not be minor since the need to create a new building envelope within an undisturbed Ribbon-of-life would represent a major encroachment on the ecological function of the shoreline area.

The encroachment is not minor because of the potential disturbance to the naturalized

~~shoreline and as such, the third test is not met.~~

4. Is the building or structure desirable for the appropriate development or use of land?
The construction of a new seasonal dwelling is an appropriate form of development and is anticipated by both the official plan and the zoning by-law; however, development is not appropriate where it is unnecessary in a naturalized shoreline area; **hence the fourth test would not be met.**

Carried ✓

Deferred _____

Refused _____


Chairperson ✓
Alan Smith

Township of Central Frontenac, Committee of Adjustment August 8, 2013

Resolution # _____

Moved by  Seconded by 

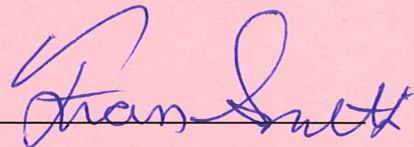
That this meeting be adjourned until 6:00 p.m. September 12, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried 

Deferred _____

Refused _____

Chairperson _____





THURSDAY AUGUST 8, 2013

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meeting – July 11, 2013
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - ✓ B-14-13-HI – Tim Calver – lot addition
 - ✓ B-15-13-OL – Ronald & Melanie Fyfe – ~~creation of a new lot~~ lot addition
 - ✓ B-16-13-KE – Bill See – lot addition
 - B-17-13-KE – William Ryan – lot addition
- 7) Applications for minor variance:
 - ✓ A-11-13 – Lori Ellerbeck & Monty Fergus – previously deferred
 - ✓ A-1-13 – Daniel & Margaret Keere – reduction from the high water mark
 - ✓ A-2-13 – Doug & Marilyn Dee – reduction from zoning by-law to permit a larger sleep cabin
 - ✓ A-4-13 – George Yuhanov – reduction from the high water mark
 - ✓ A-16-13 – Nancy McCutcheon – reduction from the high water mark
 - ✓ A-17-13 – Marilyn & Hendrikus Schwering – reduction from the high water mark
- 8) Other planning business
- 9) *Update on Keer*
Adjournment

Township of Central Frontenac Committee of Adjustment Minutes – August 8, 2013

Committee of Adjustment met on August 8, 2013 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: Normand Guntensperger, and William (Bill) Snyder.

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

Public in attendance: Tom MacDonald, Ron Fyfe and Monty Fergus.

The purpose of the meeting is to discuss four (4) application for consent and six (6) minor variance application.

The agenda was then introduced.

Resolution #58-2013

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 was introduced, Severance Application B-14-13-HI, Pt. Lot 18 & 19, Conc. 3, Tim Calver. Cathy MacMunn explained that this application is a lot addition.

Resolution #59-2013

Moved by Wayne Millar

Seconded by John Purdon

That Severance Application B-14-13-HI, Pt. Lot 18 & 19, Conc. 3, Tim Calver 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 retained lands continue to grant a right of way over Part 3 on plan 13R-4987 to the lands owned by Peter Mathew Kron and William John Pass.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

CARRIED

Severance application B-15-13-OL, Pt. Lot 19 & 29, Conc. 9, Ronald & Melanie Fyfe was discussed. Cathy MacMunn explained that this was a lot addition.

Resolution #60-2013

Moved by John Purdon

Seconded by Wayne Millar

That Severance Application B-15-13-OL, Pt. Lot 19 & 29, Conc. 9, Ronald & Melanie Fyfe 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 receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

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

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

6. *In accordance with section 50(12) of the Planning Act, the deed 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 third application discussed, Severance Application B-16-13-KE, Pt. Lot 7, Conc.5, William See. Cathy MacMunn explained that this application is a lot addition.

Resolution #61-2013

Moved by Wayne Millar

Seconded by John Purdon

That Severance Application B-16-13-KE, Pt. Lot 7, Conc.5, William See 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 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 confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction

CARRIED

The fourth severance application was introduced, B-17-13-KE, Pt. Lot 7, Conc. 5, William Ryan, by Cathy MacMunn who explained that the application is for a lot addition.

Resolution #62-2013

Moved by Heather Fox

Seconded by Tom Dewey

That Severance Application B-17-13-KE, Pt. Lot 7, Conc. 5, William Ryan 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 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 confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

CARRIED

Cathy MacMunn introduced the first minor variance application, A-11-13, Part Lot 14, Concession 8 – Lori Ellerbeck and Monty Fergus. This application was previously deferred in May 2013 to reduce the water body setback from 30 m to 20.7 m for the proposed addition from the creek.

Resolution #63-2013

Moved by Tom Dewey

Seconded by Heather Fox

That Minor Variance Application A-11-13, Part Lot 14, Concession 8 – Lori Ellerbeck and Monty Fergus which was previously deferred in May 2013 to reduce the water body setback from 30 m to 20.7 m for the proposed addition from the creek be approved.

CARRIED

The second minor variance application was introduced, A-1-13, Part Lot 13, Concession 5 – Daniel & Margaret Keere. Cathy MacMunn explained that this application dealt with the reduction from the high water mark.

Resolution #64-2013

Moved by Heather Fox

Seconded by Tom Dewey

That Minor Variance Application A-1-13, Part Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the required front yard setback and water body setback from 30 m to 4.2 m to permit the construction of a new deck be deferred to allow for further consultation between the applicants and the planning consultant – Glenn Tunnock.

CARRIED

The third minor variance application was introduced, A-2-13, Part Lot 7, Concession 11, – Doug and Marilyn Dee. Cathy MacMunn explained that this application dealt with the reduction from zoning by-law to permit a larger sleep cabin.

Resolution #65-2013

Moved by Tom Dewey

Seconded by Heather Fox

That Minor Variance Application A-2-13, Part Lot 7, Concession 11, – Doug and Marilyn Dee to request a variance from Section 4.2 (a) of the Zoning By-law requiring a maximum gross floor area for a sleep cabin of 37 metres squared, and to permit a sleep cabin which as a gross floor area of 40.13 metres squared be deferred to allow the applicant the opportunity to review the planning report and their options before coming back to the committee at the next meeting.

CARRIED

The fourth minor variance application A-4-13, Part Lot 8, Concession 5, – George Yuhanov was introduced. Cathy MacMunn explained that this application dealt with the reduction from the high water mark.

Resolution #66-2013

Moved by Heather Fox

Seconded by Tom Dewey

That Minor Variance Application A-4-13, Part Lot 8, Concession 5, – George Yuhanov to reduce the water body (front yard) setback of Section 5.6.2 of the Zoning By-law from 30 m to 12 m to permit the construction of a seasonal dwelling be deferred to allow applicant the opportunity to review the planning report and their options before coming back to the committee at the next meeting.

CARRIED

The fifth minor variance application, A-16-13, Part Lot 13, Concession 9 – Nancy McCutcheon was introduced. Cathy MacMunn explained that this application dealt with the reduction from the high water mark.

Resolution #67-2013

Moved by Tom Dewey

Seconded by Heather Fox

That Minor Variance Application A-16-13, Part Lot 13, Concession 9 – Nancy McCutcheon to reduce the water body (front yard) setback of Section 4.23 (e) (i) and 5.6.2 of the Zoning By-law from 30 m to 12.7 m 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 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. That a restoration of the shoreline through the implementation of a professionally prepared landscaping plan, more specifically the applicant must provide for the replanning of an area equivalent or greater than the area required for the expansion of the cottage. The area is 15.3 m squared or 165 square feet which represents the floor area to be added to the existing cottage and further that the replanting be reviewed and approved by the Quinte Conservation Authority.***
- 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 revegetated.

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, onto the slope, or onto adjacent properties. Eaves troughing shall be installed and outlet away from the lake and the slope to a leach pit or well-vegetated area to allow for maximum infiltration.*

CARRIED

The sixth and final minor variance application, A-17-13, Part Lot 20, Concession 6, Part 13 plan 13R3917 – Marilynn & Hendrikus Nicolaas Schwering was introduced. Cathy MacMunn explained that this reduction dealt with the reduction from the high water mark.

Resolution #68-2013

Moved by Heather Fox

Seconded by Tom Dewey

That Minor Variance Application A-17-13, Part Lot 20, Concession 6, Part 13 plan 13R3917 – Marilynn & Hendrikus Nicolaas Schwering to reduce the required front yard and water setback from 30 m to 21.3 m be deferred to allow for comments to be received from KFL&A Public Health.

CARRIED

Cathy MacMunn gave a report regarding the Keen application.

No further planning business was brought forth.

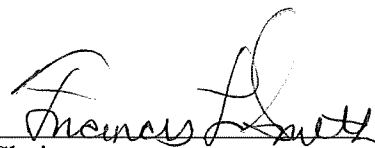
Resolution #69-2013

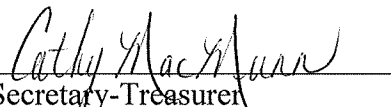
Moved by Tom Dewey

Seconded by Heather Fox

That this meeting be adjourned until 6:00 p.m. September 12, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

CARRIED


Chairperson


Secretary-Treasurer

Meeting adjourned at 7:30 p.m.

Present: Frances Smith, Heather Fox, Tom Dewey, Wayne Millar,

John Purdon, Jeff Matson, Janet Gutrowski

Public: Tom Mac Donald, Ron Fyfe, Monty Fergus

Staff: Jeremy Neven, Cathy MacMunn

No pecuniary interest declared.

First application - B-14-13-HI - Calver

- B-15-13-OL - Ronald & Melanie Fyfe
(right of way)

Minor Variance A-11-13 Ellerbeck/Fergus

if we change this in the zoning by-law to residential
will there be an issue with this approval, no.

A-1-13 Keere - deferred

A-2-13 Dee - deferred (no well, no hydro)

A-4-13 Yuharov - 1

A-16-13 - McCutcheon

(better measurements should be on the
application) (316)

A-17-13 (Schweing) deferred

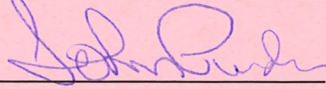
7:30 pm

* applications
How many ~~members~~ ~~are~~ have development agreements.

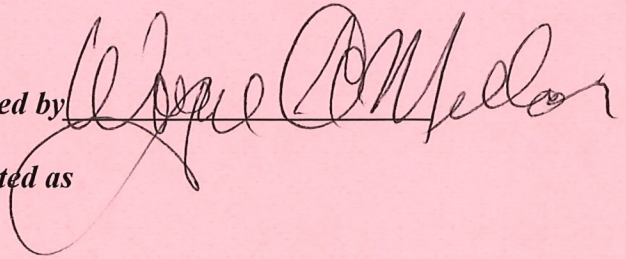
Check other twps what do they do - for enforcement
and ^{who} check.

Resolution # ~~59~~ 2013

Moved by



Seconded by



THAT the minutes of July 11, 2013 be adopted as

Presented _____

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson _____

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for August 8, 2013

(Sharbot Lake)

Resolution #58-2013

Moved by *[Signature]* Seconded by *[Signature]*

THAT the agenda be adopted as

Presented _____

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson *[Signature]*

Resolution # 59-2013

Moved by [Signature] Seconded by [Signature]

That Severance Application B-14-13-HI, Pt. Lot 18 & 19, Conc. 3, Tim Calver 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 retained lands continue to grant a right of way over Part 3 on plan 13R-4987 to the lands owned by Peter Mathew Kron and William John Pass.
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 # 60-2013

Moved by [Signature] Seconded by [Signature]

That Severance Application B-15-13-OL, Pt. Lot 19 & 20, Conc. 9, Ronald & Melanie Fyfe 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 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 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.~~ attached
7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried ✓
Deferred _____
Refused _____

Chairperson [Signature]

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.



THURSDAY SEPTEMBER 12, 2013

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meeting – July 11th and August 8th , 2013
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - B-20-13-OL – Brenda & Ronald Price – creation of a new lot
 - B-21-13-HI – Peter Kron & William Pass creation of a new lot
- 7) Applications for minor variance:
 - A-1-13 – Daniel & Margaret Keere – (Glenn Tunnock will be speaking on this one)
 - a) to reduce setback from the high water mark
 - A-2-13 – Doug & Marilyn Dee – reduction from zoning by-law to permit a larger sleep cabin
 - A-3-13 – Sandy Kappa – (Glenn Tunnock will be speaking on this one)
 - a) to increase the maximum permitted floor area of a sleep sleep cabin,
 - b) to reduce interior side yard
 - c) to reduce the shoreline setback
 - d) to reduce the side yard for the boat house
 - A-4-13 – George Yuhanov – reduction from the high water mark
 - A-17-13 – Marilyn & Hendrikus Schwering –
 - a) to reduce the setback from the high water mark request to defer until June 2014
 - A-18-13 – Robert Lee –
 - a) to reduce the setback from the high water mark – replacement/reconfiguration of a deck

A-19-13- Linda J. Michie –

a) to reduce the setback from the high water mark – replacement and extension of a deck

8) Other planning business

9) Adjournment

①
Heather Fox, Jeff Matson, Tom Dewey, Wayne Millar, John Purdon, Fran Smith

Jeremy Neven, Donna Longmire, Glenn Tunnock

Tom MacDonald, Linda Michie

Heather has a p interest with B-21-13-HI

B-20-13-OL - Tom MacDonald spoke on this ~~se~~ application
- an MDS calculation needs to be completed
- Deferred until October

Heather stepped out.

B-21-13-HI - Tom MacDonald agent,

- Jeremy explained the application.
- John Purdon - concerned about the zoning

Tom explained the owner will apply for a rezoning.

Glenn spoke in regarding the usage of the two lots. Rezoning is appropriate & reestablishing the shoreline

John wondered about the trailers

Glenn - removal of Trailers - do not make it an issue, but option of the committee

Tom - agrees with John regarding the 91 ft.

A-1-13-Keene

- Glenn spoke on this report - he gave a briefing of his report - ~~see approve~~
- John Purdon - clarification of 11.3m instead of 4.2m
 - take 2nd option to def.
- Jeremy is concerned about the building permit time frame.
 - Jeremy will inform applicant.

A-2-13-Dee

- Glenn spoke on this, reviewed his report
- John - concerned about time frame
- Marilyn Dee - spoke, she errored on measuring & resent the correct application
- committee agreed for the ap to be recirculated.
- the application ~~see~~ will come forward Oct 10/13

A-3-13-Kappa

- Glenn reviewed his report.
- Sandy Kappa - gave a history of the property.
- Mike from Totane - agrees that Kappa's are willing to work with the municipality.

A-4-13-George Yohanou

- Jeremy explained the application
- Def for six mths.

A-17-13 - Schwering

- Jeremy reviewed application

A-18-13 - Lee

- Jeremy reviewed the application.

A-19-13 - Michie

- Jeremy reviewed the application.

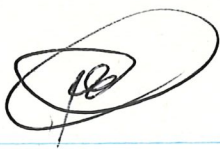
~~adjourned at.~~

- Other planning business -

Glenn - the team of the municipality is working with the ap.

- improving the environment
- support for the committee from the community.
- workshop feedback was positive
- commends the committee on their work.

How do we educate people, communicate with the community.

John P. Under Wayne 

That minor Appellate #13 referred to
~~total receipt of Landmass design plans.~~
*measurements ~~conducted~~ & that the application
be re-circulated.

Sept. 12/13

Carried
Thron Smith

Township of Central Frontenac Committee of Adjustment Minutes – September 12, 2013

Committee of Adjustment met on September 12, 2013 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Heather Fox, Tom Dewey, Wayne Millar, John Purdon, and Jeff Matson.

Absent: Normand Guntensperger, Janet Gutowski and William (Bill) Snyder.

Staff in attendance: Donna Longmire Executive Assistant to CAO/Clerk and Jeremy Neven Chief Building Official.

Public in attendance: Tom MacDonald, Marilyn Dee, Sandy Kappa, Mike Keene from Fotenn and Linda Michie.

The purpose of the meeting is to discuss two (2) applications for consent and seven (7) minor variance applications.

The agenda was then introduced.

Resolution #70-2013

Moved by Heather Fox

Seconded by Jeff Matson

THAT the agenda be adopted as presented.

CARRIED

Heather Fox declared a pecuniary interest with application B-21-13-HI, no further declarations of pecuniary interest were noted by any other members.

Resolution #71-2013

Moved by Jeff Matson

Seconded by Heather Fox

THAT the minutes of July 11th and August 8, 2013 be adopted as presented

CARRIED

The first application was introduced, Severance Application B-20-13-OL, Pt. Lot 3 & 4, Brenda and Ronald Price, Jeremy Neven explained that this application is a creation of a new lot. Tom MacDonald was the agent for this application and spoke on this application.

Resolution #72-2013

Moved by Tom Dewey

Seconded by Jeff Matson

That Severance Application B-20-13-OL, Pt. Lot 3 & 4, Conc. 2 - Brenda and Ronald Price, be deferred until the October meeting to allow the applicant to review their options further regarding the location of the barn on the subject property.

CARRIED

Heather Fox stepped out of the room as she had a pecuniary interest with the following application.

Severance Application B-21-13-HI, Lot 19, Conc.3, Peter Kron and William Pass. Jeremy Neven explained that the application is a creation of a new lot.

Tom MacDonald was the acting agent for this application. Glenn Tunnock from Tunnock Consulting informed the committee of the usage for the two lots and that re-zoning is appropriate.

Resolution #73-2013

Moved by Jeff Matson

Seconded by Tom Dewey

That Severance Application B-21-13-HI, Lot 19, Conc. 3, Peter Kron and William Pass 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 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 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 applicant applies for and obtains an amendment to the Zoning By-law to place all the lands in a Waterfront Residential Zone and address changes to Zone Standards. All costs associated with the Zoning Amendment are the responsibility of the applicant.*
8. *That the applicant enters into a development agreement under Section 51(26) of the Planning Act to provide for a replanting program designed to re-naturalize the shoreline area.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

CARRIED

Heather Fox was asked to resume her chair with the committee.

Jeremy Neven introduced the first minor variance application, A-1-13, Part Lot 13, Concession 5, Daniel & Margaret Keere. This application is dealing with a setback reduction from the high water mark.

Resolution #74-2013

Moved by Jeff Matson

Seconded by Tom Dewey

That Minor Variance Application A-1-13, Part Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the required front yard setback and water body setback from 30 m to 11.3 m to permit the construction of a new deck be approved with the following conditions and reasons:

- 1. That the applicant enters into a site plan development agreement with the municipality which includes for the restoration of the shoreline through the implementation of a professionally prepared landscaping plan that covers an area equivalent to the size of the main deck (60.7 m²) plus the area covered by the stairway that extends from the deck to the shoreline.***
- 2. That the small deck be removed.***
- 3. That the replanting plan is reviewed by the Conservation Authority prior to approval and that the applicant obtains any required permits and approvals from the Quinte Conservation Authority within 30 days of this date.***

CARRIED

Minor Variance Application A-2-13, Part Lot 7, Concession 11 – Doug and Marilyn Dee was introduced by Jeremy Neven. The application is a reduction from the zoning by-law to permit a larger sleep cabin.

Glenn Tunnock reviewed his report with the committee, Marilyn Dee explained that she had erred on measuring and has resent the application.

Committee agreed that the application will be recirculated and come forward to the committee meeting scheduled for October 2013.

Minor Variance Application A-3-13, Part Lot 13, Concession 5 – Sandy Kappa was introduced by Jeremy Neven. The application is to increase the maximum permitted floor area of a sleep cabin, reduce interior side yard, reduce the shoreline setback, and reduce the side yard for the boat house.

Sandy Kappa gave a brief history of the property.

Resolution #75-2013

Moved by Heather Fox

Seconded by Wayne Millar

That Minor Variance Application A-3-13, Part Lot 13, Concession 5 – Sandy Kappa to increase the maximum permitted floor area of a sleep cabin to 47.5 m² from 37m²; to reduce the interior side yard for the sleep cabin to 0.3 m from 3 m; by reducing the shoreline setback for the sleep cabin to 13.66 m from 30 m and by reducing the side yard for the boat house to 1.54 m from 5 m be approved with the following conditions and reasons:

- 1. That the sleep cabin be modified to provide for a minimum interior side yard of 1 m from the east lot line of the applicant's property to the nearest part of the main wall of the building.***

2. That the applicant be required to replace the equivalent gross floor area of the expanded sleep cabin estimated to be 16 m² (170 ft.²) with landscaping within any part of the Ribbon-of-life (30 m) buffer area.

3. That the applicant converts the waterfront building back to a boathouse in compliance with the definition of a boathouse.

4. That the applicant enter into a site plan agreement with the municipality to govern the landscaping, drainage of the sleep cabin away from the lake and the conversion of the waterfront building back to a boathouse.

And further that this approval is understood to permit:

1. The reduction of the required shoreline setback (front yard) from Bull Lake to 13.66m [44.8 ft.] for the sleep cabin from 30 m [98.4 ft.];

2. An increase in the permitted maximum floor area of a sleep cabin to not exceed the equivalent of the residual floor area which provides for an interior yard setback of 1 m to the east lot line.

3. To reduce the required interior side yard adjacent to the sleep cabin to 1 m [3.28 ft.] from 3m [9.84 ft.], and

4. The reduction of the required interior yard setback for a boat house to 1.54m [5.0 ft.] from 5m [16.4 ft.].

CARRIED

Minor Variance Application A-4-13, Part Lot 8, Concession 5, – George Yuhanov, was introduced by Jeremy Neven. The application is a reduction from the high water mark.

Resolution #76-2013

Moved by Wayne Millar

Seconded by Heather Fox

That Minor Variance Application A-4-13, Part Lot 8, Concession 5, – George Yuhanov to reduce the water body (front yard) setback of Section 5.6.2 of the Zoning By-law from 30 m to 12 m to permit the construction of a seasonal dwelling be deferred for six months to allow the applicant the applicant an opportunity to acquire abutting lands and add them to the current holding as a lot addition.

CARRIED

Minor Variance Application A-17-13, Part Lot 20, Concession 6, Part 13 plan 13R3917 – Marilynn & Hendrikus Nicolaas Schwering, was introduced by Jeremy Neven. The purpose of this application is to reduce the setback from the high water mark.

Resolution #77-2013

Moved by Heather Fox

Seconded by Wayne Millar

That Minor Variance Application A-17-13, Part Lot 20, Concession 6, Part 13 plan 13R3917 – Marilynn & Hendrikus Nicolaas Schwering to reduce the required front yard and

water setback from 30 m to 21.3 m be deferred until June 2014 to allow the applicant the opportunity to investigate a new location for the dwelling as per the suggestion by the planning consultant.

CARRIED

Minor Variance Application A-18-13, Part Lot 20, Concession 9 – Robert Lee was introduced by Jeremy Neven. The purpose of this application is to reduce the setback from the high water mark - replacement/reconfiguration of a deck.

Resolution #78-2013

Moved by Tom Dewey

Seconded by John Purdon

That Minor Variance Application A-18-13, Part Lot 20, Concession 9 – Robert Lee to reduce the required front yard setback and water body setback from 30 m to 18.47 m to permit the construction of a new deck be approved with the following conditions and reasons:

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

- 1. There shall be no additional 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 revegetated.***
- 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.***

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

CARRIED

The final Minor Variance Application A-19-13, Part Lot 7, Concession 5 – Linda J. Michie was introduced by Jeremy Neven. The purpose of the application is to reduce the setback from the high water mark – replacement and extension of a deck.

Resolution #79-2013

Moved by John Purdon

Seconded by Tom Dewey

That Minor Variance Application A-19-13, Part Lot 7, Concession 5 – Linda J. Michie to reduce the required front yard setback and water body setback from 30 m to 20 m to permit the construction of a new deck be approved with the following conditions and reasons:

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

1. There shall be no additional 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 revegetated.

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.

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

CARRIED

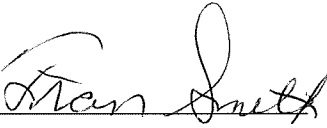
No further planning business was brought forth.

Resolution #80-2013

Moved by Tom Dewey

Seconded by John Purdon

That this meeting be adjourned until 6:00 p.m. October 10, 2013 at the Soldiers Memorial Hall, Sharbot Lake.



Chairperson



Secretary-Treasurer

Meeting adjourned at 7:25 p.m.

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for September 12, 2013

(Sharbot Lake)

Resolution # 270-2013

Moved by *Heather Fay* Seconded by *[Signature]*

THAT the agenda be adopted as

Presented *✓*

Amended _____

Carried *✓*

Deferred _____

Refused _____

Chairperson *[Signature]*

Resolution #271-2013

Moved by Jeffrey Seconded by Heather Fox

THAT the minutes of July 11th and August 8, 2013 be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson Travis Smith

Resolution # 72-2013

Moved by [Signature]

Seconded by [Signature]

That Severance Application B-20-13-OL, Pt. Lot 3 & 4, Conc. 2 - Brenda and Ronald Price, be deferred until the October meeting to allow the applicant to review their options further regarding the location of the barn on the subject property.

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 273-2013

Moved by [Signature] Seconded by [Signature]

That Severance Application B-21-13-HI, Lot 19, Conc. 3, Peter Kron and William Pass 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 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 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 applicant applies for and obtains an amendment to the Zoning By-law to place the lands in a Waterfront Residential Zone. All costs associated with the Zoning Amendment are the responsibility of the applicant. ^{all} _{to address changes to Zone Standards}
8. That the applicant enters into a development agreement under Section 51(26) of the Planning Act to provide for a replanting program designed to re-naturalize the shoreline area.
9. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried ✓
Deferred _____
Refused _____

Chairperson [Signature]

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 m area back from the shoreline to be retained for a vegetation buffer within which no buildings or sewage disposal systems are permitted. As indicated, the shoreline has not been retained in its natural state and needs to be rehabilitated through a replanting or naturalization program. In addressing the potential impacts of the deck, the applicant should be required to enter into a site plan agreement to provide for the revegetation program is undertaken. The size of the deck represents a larger than permitted encroachment into the required front yard and is further exacerbated by the smaller deck. While the marginal difference between an encroachment of 3.3 m and 3 m is not unreasonable, the smaller deck must be removed as an unacceptable additional encroachment.

The application will meet the second test if the measures for naturalization are undertaken through the requirements for a site plan agreement and with the removal of the smaller deck.

3. The impact of this development can only be mitigated in meeting the test of minor if the applicant complies with the require to restore the ecological function of the Ribbon-of-Life through a site plan agreement and with the removal of the smaller deck.

4. Is the building or structure desirable for the appropriate development or use of land? The provision of a deck for an outdoor recreational amenity to a cottage is a reasonable and conventional form of development for a lakeside residential use; however the development should not compromise the objective of protecting the ecological function and values of the Ribbon-of-Life. Consequently, the final test will only be met where measures are undertaken to restore the ecological balance of the property.

Carried ✓

Deferred _____

Refused _____

Chairperson Frank Smith

The variance requested to the side yard of the boathouse from 5 m (16.4 ft.) to 1.54 m (5.0 ft.) has the effect of recognizing an existing longstanding setback. The building, although modified appears to have been reconstructed on the same footprint.

The second test is met provided that this waterfront building is reconverted to a boathouse in compliance with the definition.

3. Is the variance minor?

The application for the variances to the sleep cabin, subject to the above, if approved, would provide for a variance that is 66% for the side yard setback reduction, approximately 27% for the floor area and approximately 54.4% for the shoreline setback. The impact of the variances would not have a significant impact on the Ribbon-of-life and would not represent a major encroachment on the ecological function of the shoreline area given the current vegetation pattern. The applicant, as indicated must be required to provide compensating landscaping for the increased building area computed to be in the order of 16 m² (170 ft.²).

The third test will be met if the applicant provides for a landscaping plan to compensate for the additional encroachment into the Ribbon-of-life and to ensure that the interior side yard is reinstated at 1 m minimum. Drainage for the sleep cabin should be directed away from the lake as per the Township's standard condition.

4. Is the building or structure desirable for the appropriate development or use of land?

The construction of a sleep cabin and a boathouse is an appropriate form of development and is anticipated by both the official plan and the zoning by-law. The expansion of the sleep cabin increases its functionality for the occupants while a boathouse provides for a facility that enhances the use of the lake.

The fourth test is met with respect to the application, again provided that the integrity of the waterfront building is maintained for its use as a boathouse and the sleep cabin is modified.

Carried

Deferred

Refused

Chairperson

Fran Smith

FOR THE FOLLOWING REASONS:

1. Since the property borders a water body, the property is subject to the policies of Section 3.6.3 – Waterfront and the package of shoreline management policies of the official plan applies to the application. The intent of the official plan is to ensure that development meets the 30 m setback a policy that is further reinforced by the requirement for a 30 m vegetation buffer under Section 3.6.3.11:

“It is the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 30 m (98.4 ft.) of the shoreline of a lake or a tributary. In situations where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion will be required.” Section 3.6.5 also specifies that **“Requiring that all sewage disposal systems (septic tanks and tile fields or filter beds), main buildings and recreational vehicles be set back a minimum of 30 m (98 ft.) from the high water mark of any water body.”**

The first test with respect to the addition to the sleep cabin will be met if the applicant is required to enter into a site plan agreement with the municipality for a corresponding landscaping plan.

The first test with respect to the boathouse will only be met with the conversion of the building to a single storey facility with no provision for habitable accommodation and would be a building used exclusively as a boathouse. A condition of approval of the minor variance would be to require the conversion to a single storey boathouse.

2. The general intent of the zoning by-law is to ensure not only that specific uses including accessory uses are permitted, but that setbacks are also respected.

The existing sleep cabin prior to the addition was non-complying with respect to the setback from the lake. The side yard setback would appear to have been met (i.e. 4.5 m±) vs. the 3 m required. The intent of the applicant was to add onto the existing structure by doubling its size. A second sleep cabin, for example, would not be permitted as an option to increasing the available floor area for sleeping purposes. The addition does not further reduce the shoreline setback; rather the doubling of the size of the building increases the hardened surfaces within the buffer area. **The extension is not unreasonable within an area which is substantially treed provided that drainage from the expanded structure is strictly controlled.**

While there was no further reduction in the shoreline setback created by the addition, the addition effectively eliminated the side yard setback and resulted in an encroachment onto the municipal road allowance. The encroachment is not acceptable. The side yard is proposed to be readjusted from the encroachment to 0.3 m vs. the 3 m required. The intent of a side yard is to facilitate access from a front to a rear yard and to ensure a reasonable setback distance from development on an adjacent property for a building that is a habitable structure. In this case the lot is large enough that access from the rear yard to the front yard is not compromised while there is no development anticipated on the adjacent road allowance that might otherwise interfere with the use and enjoyment of the accessory building as a sleep cabin. However, the applicant should be required to meet the general setback requirement for an accessory building of 1 m to ensure that any drainage, eaves or service impacts are confined to the applicant's property.

The addition to the floor area for multi-generational use is not unreasonable.

The second test would be met for the sleep cabin through a modification to the addition to the building that eliminates the encroachment and provides for a minimum interior side yard setback of 1m (3.28 ft.) from the side lot line to the nearest part of the main wall of the sleep cabin.

Resolution # ~~15~~ 2013
Moved by [Signature] Seconded by [Signature]

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

That Minor Variance Application A-2-13, Part Lot 7, Concession 11 – Doug and Marilyn Dee to request a variance to the maximum gross floor area for a sleep cabin of 37 metres squared and to permit a sleep cabin which has a gross floor area of 40.13 metres squared be approved for the following reason:

- 1. That the older sleep cabin has been removed and the property conforms with the zoning by-law.

Carried _____

Deferred _____

Refused _____

Chairperson _____

Resolution # 74-2013

Moved by

[Handwritten signature]

Seconded by

[Handwritten 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-1-13, Part Lot 13, Concession 5 – Daniel & Margaret Keere to reduce the required front yard setback and water body setback from 30 m to 1.3 m to permit the construction of a new deck be approved with the following conditions and reasons:

1. *That the applicant enters into a site plan development agreement with the municipality which includes for the restoration of the shoreline through the implementation of a professionally prepared landscaping plan that covers an area equivalent to the size of the main deck (60.7 m²) plus the area covered by the stairway that extends from the deck to the shoreline.*
2. *That the small deck be removed.*
3. *That the replanting plan is reviewed by the Conservation Authority prior to approval and that the applicant obtains any required permits and approvals from the Quinte Conservation Authority within 30 days of this date.*

FOR THE FOLLOWING REASONS:

1. The intent of the official plan is to allow for the development of waterfront properties that provide a residential living environment. Exterior decks are a legitimate and common accessory architectural addition or feature of a waterfront cottage; however the size of the deck should be in reasonable proportion to the size of the cottage and should be of a size that minimizes the impact on the natural environment. The deck as built, serves to provide an exterior recreational area that is accessed from all of the waterfront exits to the building; however, the area dedicated to this recreational area will more than suffice to meet the needs of the users of the cottage without the need for the smaller deck. In our opinion, the first test of conformity with the general intent of the official plan will only be met through the removal of the smaller deck and through compensating measures designed to reduce the impact of the additional hard surfaces within 30 m of the shoreline (i.e. deck and stairs). Consistent with the Township's practice, the applicant should be required to submit a detailed vegetation and naturalization program designed to restore the ecological function of the Ribbon-of-Life along the shoreline including the reinstatement of the ground level below the small deck. The application should conditionally approved with the submission of a professionally prepared landscape plan.

Resolution # 275-2013

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-3-13, Part Lot 13, Concession 5 – Sandy Kappa to increase the maximum permitted floor area of a sleep cabin to 47.5 m² from 37m²; to reduce the interior side yard for the sleep cabin to 0.3 m from 3 m; by reducing the shoreline setback for the sleep cabin to 13.66 m from 30 m and by reducing the side yard for the boat house to 1.54 m from 5 m be approved with the following conditions and reasons:

- 1. That the sleep cabin be modified to provide for a minimum interior side yard of 1 m from the east lot line of the applicant's property to the nearest part of the main wall of the building.*
- 2. That the applicant be required to replace the equivalent gross floor area of the expanded sleep cabin estimated to be 16 m² (170 ft.²) with landscaping within any part of the Ribbon-of-life (30 m) buffer area.*
- 3. That the applicant converts the waterfront building back to a boathouse in compliance with the definition of a boathouse.*
- 4. That the applicant enter into a site plan agreement with the municipality to govern the landscaping, drainage of the sleep cabin away from the lake and the conversion of the waterfront building back to a boathouse.*

And further that this approval is understood to permit:

- 1. The reduction of the required shoreline setback (front yard) from Bull Lake to 13.66m [44.8 ft.] for the sleep cabin from 30 m [98.4 ft.];*
- 2. An increase in the permitted maximum floor area of a sleep cabin to not exceed the equivalent of the residual floor area which provides for an interior yard setback of 1 m to the east lot line.*
- 3. To reduce the required interior side yard adjacent to the sleep cabin to 1 m [3.28 ft.] from 3m [9.84 ft.], and*
- 4. The reduction of the required interior yard setback for a boat house to 1.54m [5.0 ft.] from 5m [16.4 ft.].*

Resolution # 276-2013

Moved by [Signature]

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-4-13, Part Lot 8, Concession 5, – George Yuhanov to reduce the water body (front yard) setback of Section 5.6.2 of the Zoning By-law from 30 m to 12 m to permit the construction of a seasonal dwelling be deferred for six months to allow the applicant the applicant an opportunity to acquire abutting lands and add them to the current holding as a lot addition.

Carried

Deferred

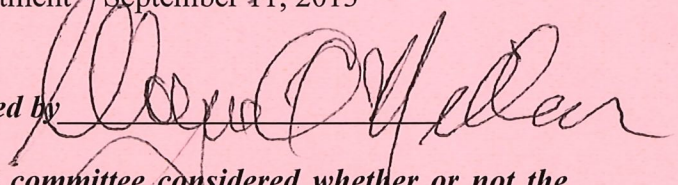
Refused

Chairperson [Signature]

Resolution #77-2013

Moved by Keaton Foy

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.

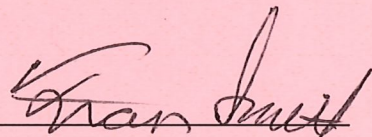
That Minor Variance Application A-17-13, Part Lot 20, Concession 6, Part 13 plan 13R3917 – Marilyn & Hendrikus Nicolaas Schwering to reduce the required front yard and water setback from 30 m to 21.3 m be deferred until June 2014 to allow the applicant the opportunity to investigate a new location for the dwelling as per the suggestion by the planning consultant.

Carried ✓

Deferred _____

Refused _____

Chairperson



Resolution # 278-2013
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-18-13, Part Lot 20, Concession 9 – Robert Lee to reduce the required front yard setback and water body setback from 30 m to 18.47 m to permit the construction of a new deck be approved with the following conditions and reasons:

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

- 1. There shall be no additional 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 revegetated.*
- 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.*

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

FOR THE FOLLOWING REASONS:

- 1. Given that the lot is an existing lot of record occupied by an existing building (cottage) and an existing sewage disposal field; given that there is slight reduction in the setback required for the new deck and with the rock outcrop between the cottage and the water which will reduce any runoff towards the lake, the general intent of the official plan has been maintained and consequently, the application in my opinion, meets the first test.**
- 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 m 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 due to the rock outcrop**

make development physically impossible in meeting the setback requirements of the by-law. The shoreline has not been fully retained in its natural state; however, with the small increase of the deck towards the water does not significantly reduce the setback due the rock outcrop. In addressing the potential impacts of the new deck, the applicant should be required to enter into a site plan agreement to ensure that no further development be permitted within the 30 metre setback including any hardened surfaces such as further decks to avoid impacts to the shoreline.

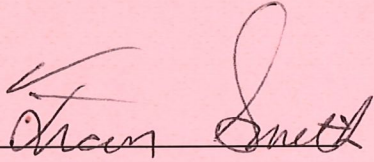
3. With the site plan agreement being entered that no further development be permitted within the 30 metre setback including any hardened surfaces such as further decks, the impacts will be minor and hence the third test will be met.

4. Development will be in keeping with the character of the area and that the new deck is a reasonable and appropriate use of the cottage.

Carried _____

Deferred _____

Refused _____

Chairperson 

Resolution # ¹² 219-2013

Moved by [Signature]

Seconded by [Signature]

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

That Minor Variance Application A-19-13, Part Lot 7, Concession 5 – Linda J. Michie to reduce the required front yard setback and water body setback from 30 m to 20 m to permit the construction of a new deck be approved with the following conditions and reasons:

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

- 1. There shall be no additional 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 revegetated.*
- 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.*

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

FOR THE FOLLOWING REASONS:

- 1. Given that the lot is an existing lot of record occupied by an existing building (cottage) and an existing sewage disposal field; given that there is reduction in the setback required for the new deck and that the vegetation is being preserved and will not be disturbed, the general intent of the official plan has been maintained and consequently, therefore the application meets the first test.**
- 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 m 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 setback requirements of the by-law. The shoreline has not been**

disturbed and has been left in its natural state; however, with the increase of the deck towards the water does not significantly reduce the setback as it will come approximately 2 ft. closer than the existing deck. In addressing the potential impacts of the new deck, the applicant should be required to enter into a site plan agreement to ensure that no further development be permitted within the 30 metre setback including any hardened surfaces such as further decks or porches to avoid impacts to the shoreline.

3. With the site plan agreement being entered that no further development be permitted within the 30 metre setback including any hardened surfaces such as further decks, the impacts will be minor and hence the third test will be met.

4. Development will be in keeping with the character of the area and that the new deck is a reasonable and appropriate use of the cottage.

Carried ✓

Deferred _____

Refused _____

Chairperson

Fran Smith

Resolution # 280-2013-

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. October 10, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Deferred

Refused

Chairperson [Signature]



THURSDAY OCTOBER 10, 2013

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) **Call to order (Chair)**
- 2) **Approval of Agenda**
- 3) **Disclosure of pecuniary interest**
- 4) **Minutes of previous meeting – September 12, 2013**
- 5) **Unfinished/Old business and business arising from the minutes**
- 6) **Applications for consent:**
 - B-18-13-HI – Ron Moore – creation of a new lot**
 - B-19-13-HI – Ron Moore – creation of a new lot**
 - B-22-13-OS – Laura Murray & Susan Wing – lot addition**
- 7) **Applications for minor variance:**
 - A-2-13 – Doug & Marilyn Dee – reduction from zoning by-law to permit a larger sleep cabin**
- 8) **Other planning business**
 - Keere Minor Variance - Appeal of the committee's decision**
- 9) **Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – October 10, 2013

Committee of Adjustment met on October 10, 2013 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, Tom Dewey and John Purdon.

Absent: Normand Guntensperger, Janet Gutowski, Heather Fox and William (Bill) Snyder.

Staff in attendance: Cathy MacMunn, Deputy Clerk/Planning Coordinator

No public in attendance:

The purpose of the meeting is to discuss three (3) applications for consent and one (1) minor variance application.

The agenda was then introduced.

Resolution #81-2013

Moved by Wayne Millar

Seconded by Jeff Matson

THAT the agenda be adopted as presented.

CARRIED

No declarations of pecuniary interest were noted by any members.

Resolution #82-2013

Moved by Jeff Matson

Seconded by Wayne Millar

THAT the minutes of September 12, 2013 be adopted as presented

CARRIED

The first applications were introduced, Severance Applications B-18-13-HI and B-19-13-HI, Pt. Lot 10, Conc. 2, Ron Moore. Cathy MacMunn explained that this parcel of land has wetland on the west side or the back of the lots as well as the lands west of the K&P Trail which is also owned by the applicant. During the site visit, staff determined that it may be difficult to achieve the required 30 metre setback from the wetland and therefore a measurement was taken. It was confirmed that one of the lots B-19-13-HI could not meet the 30 metre setback as well as the required setback of 7 metres from the front lot line and according to the Official Plan land use planning principles to be considered in providing for all development include:

a) Ensuring that the lot size is adequate for the proposed use, including building setbacks, parking and safe access.

b) Ensuring that the lot/use of land can be serviced with a water supply and sewage disposal system in accordance with Section 4.2.3 or 4.2.4.

Section 4.23 of the Zoning By-law 2011-52 sets out the Minimum Distance Separation and Special Setbacks and in particular (e) (i) which states that the minimum setback from the high water mark and the exterior boundary of a wetland for a habitable structure (e.g., dwelling, sleep cabin, garden suite), a non-residential building, an accessory building or structure (e.g., shed, storage building, detached garage) and an on-site sewage disposal system shall be 30 m.

Therefore this lot cannot be created as it does not meet the intent of the Official Plan or Zoning By-law for creating a new lot. A further review was completed and was determined that Mr. Moore's parcel adjacent to Road 38 (B-18 & 19-13-HI, part 4 and 5) is considered one lot and is separate from the remainder of his lands west of the K&P Trail.

Mr. Moore does not require a severance and can sell the land as one parcel. The only thing Mr. Moore needs to do is to apply for a right of way over Part 4 so that his lands west of the K&P Trail have access. This has been confirmed by Mr. Moore's lawyer.

In light of these findings, staff are recommending that application B-18-13-HI be deferred to allow Mr. Moore to change the application from a new lot to a granting a right of way while application B-19-13-HI be denied because the lot cannot achieve the 30 metre setback from the wetland and the 7 metre setback from the front lot line as outlined in the Zoning By-law.

Resolution #83-2013

Moved by Wayne Millar

Seconded by Jeff Matson

That Severance Application B-18-13-HI, Pt. Lot 10, Conc. 2 – Ron Moore be deferred to allow the applicant the opportunity to revise the application from a new lot to a right of way.

CARRIED

Resolution #84-2013

Moved by Jeff Matson

Seconded by Wayne Millar

That Severance Application B-19-13-HI, Pt. Lot 10, Conc. 2 – Ron Moore be deferred as the lot cannot meet the required 30 metre setback from the wetland and the 7 metre front lot line for the creation of anew lot as outlined in the Official Plan and Zoning By-law.

CARRIED

Severance Application B-22-13-OS, Pt. Lot 13, Conc.1, Laura Murray and Susan Wing is being created as a lot addition. Cathy MacMunn explained that the application is being severed as a lot addition which will be added to the adjacent lot described as Lot 107 which is to the south.

The severed and retained parcels are within the village plan 113 and have been established for many years. The reason this is being done is to correct title by taking this small parcel from Lot 106 and adding it back to Lot 107.

Resolution #85-2013

Moved by Jeff Matson

Seconded by Wayne Millar

That Severance Application B-22-13-OS, Pt. Lot 13, Conc. 1, Laura E. Murray and Susan A. Wing 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 receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*

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

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

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

Cathy MacMunn introduced the first minor variance application which was previously deferred, A-2-13, Part Lot 7, Concession 11, Doug & Marilyn Dee. This application is dealing with an increase in floor area of a sleep cabin. Cathy explained that further to Glenn Tunnock's report and recommendation on July 31, 2013 the second sleep cabin has been removed and the applicants have provided the precise floor area of the new sleep cabin.

Resolution #86-2013

Moved by Jeff Matson

Seconded by Wayne Millar

That Minor Variance Application A-2-13, Part Lot 7, Concession 11 – Doug and Marilyn Dee to request a variance to the maximum gross floor area for a sleep cabin of 37 metres squared and to permit a sleep cabin which has a gross floor area of 41.2 metres squared be approved for the following reasons:

1. *The general intent of the Official Plan is met since the sleep cabin is a permitted accessory use to a residential waterfront property and the location does not impose any negative environmental impact on the integrity of the shoreline ecosystem and therefore will meet the first test.*

2. *The general intent of the zoning by-law is met since an accessory sleep cabin is a permitted use; that the location exceeds all of the setback requirements of the Waterfront*

Residential (RW) Zone and the increased size does not impose any undue impacts on this large waterfront lot and therefore will meet the second test.

3. The variance is minor since the cabin will remain unserviced; that the use is strictly for sleeping quarters and that there are no negative impacts with respect to drainage or the environment and to that extent it will meet the third test.

4. The use is an appropriate use for a waterfront property and is an improvement to the property as a replacement for the sleep cabin that was demolished and thus meets the fourth test.

CARRIED

Cathy informed the committee that Daniel and Margaret Keere have appealed the committee's decision on their minor variance application. A hearing date will be forthcoming.

No further planning business was brought forth.


Resolution #87-2013

Moved by Wayne Millar

Seconded by Jeff Matson

That this meeting be adjourned until 6:00 p.m. November 14, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

CARRIED


Chairperson


Secretary-Treasurer

Meeting adjourned at 6:30 p.m.

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for October 10, 2013, 2013
(Sharbot Lake)

Resolution # 81

Moved by *Wayne Miller* *Seconded by* *[Signature]*

THAT the agenda be adopted as

Presented *✓*

Amended _____

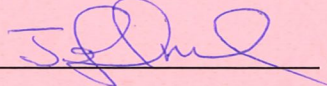
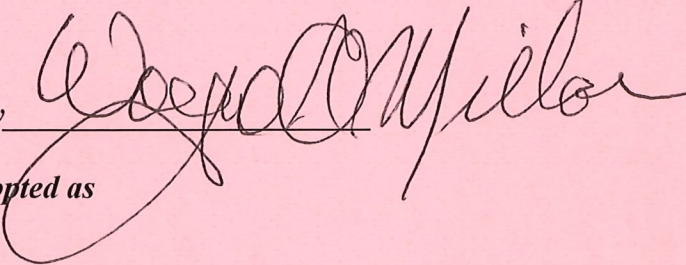
Carried *✓*

Deferred _____


Refused _____

Chairperson *[Signature]*

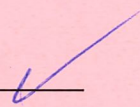
Resolution # 82

Moved by  **Seconded by** 

THAT the minutes of September 12, 2013 be adopted as

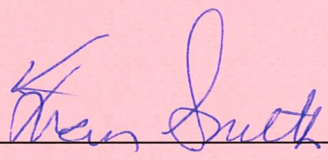
Presented 

Amended _____

Carried 

Deferred _____

Refused _____

Chairperson 

Resolution # 83

Moved by

Seconded by

That Severance Application B-18-13-HI, Pt. Lot 10, Conc. 2, Ron Moore be deferred to allow the applicant the opportunity to revise the application from a new lot to a right of way.

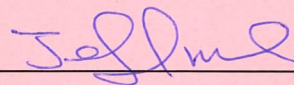
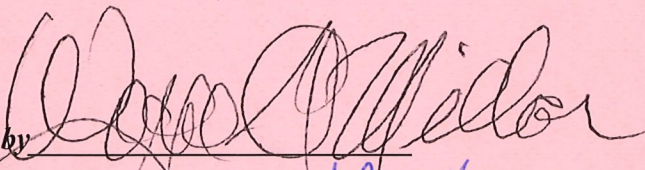
Carried

Deferred

Refused

Chairperson

Resolution # ~~837~~ 84

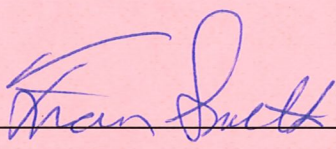
Moved by  Seconded by 

That Severance Application B-19-13-HI, Pt. Lot 10, Conc. 2, Ron Moore be ~~denied~~ as the lot cannot meet the required 30 metre setback from the wetland and the 7 metre front lot line for the creation of a new lot as outlined in the Official Plan and Zoning By-law,

Carried _____

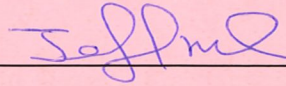
Deferred _____

Refused _____

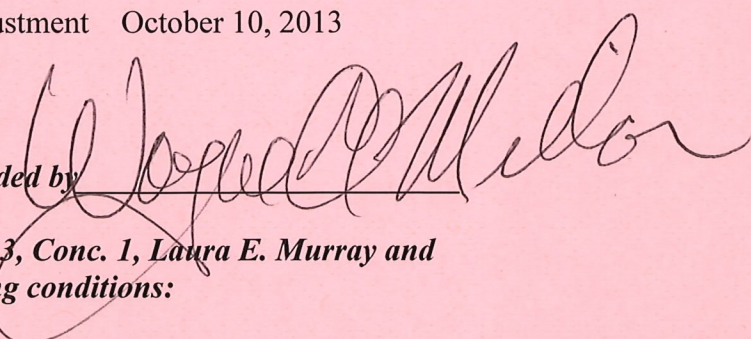
Chairperson 

Resolution # 85

Moved by



Seconded by



That Severance Application B-22-13-OS, Pt. Lot 13, Conc. 1, Laura E. Murray and Susan A. Wing 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. 1990, Chapter P.13, as amended.
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *In accordance with section 50(12) of the Planning Act, the deed 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 ✓

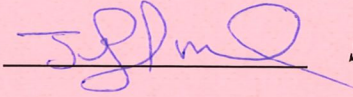
Deferred _____

Refused _____

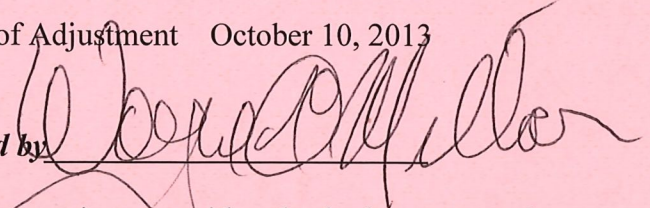
Chairperson *Fran Smith*

Resolution # 86

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-2-13, Part Lot 7, Concession 11 – Doug and Marilyn Dee to request a variance to the maximum gross floor area for a sleep cabin of 37 metres squared and to permit a sleep cabin which has a gross floor area of 41.2 metres squared be approved for the following reasons:

REASONS:

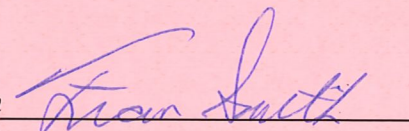
- 1. The general intent of the Official Plan is met since the sleep cabin is a permitted accessory use to a residential waterfront property and the location does not impose any negative environmental impact on the integrity of the shoreline ecosystem and therefore will meet the first test.**
- 2. The general intent of the zoning by-law is met since an accessory sleep cabin is a permitted use; that the location exceeds all of the setback requirements of the Waterfront Residential (RW) Zone and the increased size does not impose any undue impacts on this large waterfront lot and therefore will meet the second test.**
- 3. The variance is minor since the cabin will remain unserviced; that the use is strictly for sleeping quarters and that there are no negative impacts with respect to drainage or the environment and to that extent it will meet the third test.**
- 4. The use is an appropriate use for a waterfront property and is an improvement to the property as a replacement for the sleep cabin that was demolished and thus meets the fourth test.**

Carried

Deferred

Refused

Chairperson



Resolution # 87

Moved by

Seconded by

That this meeting be adjourned until 6:00 p.m. November 14, 2013 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Deferred

Refused

Chairperson

Dean Smith



THURSDAY NOVEMBER 14, 2013

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order (Chair)**
- 2) Approval of Agenda**
- 3) Disclosure of pecuniary interest**
- 4) Minutes of previous meeting –October 10, 2013**
- 5) Unfinished/Old business and business arising from the minutes**
- 6) Applications for consent:**
 - B-20-13-OL – Brenda & Ronald Price – creation of a new lot (previously deferred)**
 - B-23-13-OS – David & Wendy Stanyon and Fred Johnson – lot addition**
 - B-24-13-OS – David & Wendy Stanyon and Fred Johnson – lot addition**
- 7) Applications for minor variance:**
 - Nil**
- 8) Other planning business**
 - December meeting - location**
- 9) Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes –November 14, 2013

Committee of Adjustment met on November 14, 2013 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, John Purdon.

Absent: Normand Guntensperger, Janet Gutowski, Heather Fox, Tom Dewey and William (Bill) Snyder.

Staff in attendance: Cathy MacMunn, Deputy Clerk/Planning Coordinator

Public in attendance: Tom MacDonald, Gordon Beattie and Sarah Gould

The purpose of the meeting is to discuss three (3) applications for consent.

The agenda was then introduced.

Resolution #88-2013

Moved by Wayne Millar

Seconded by John Purdon

THAT the agenda be adopted as presented.

CARRIED

No declarations of pecuniary interest were noted by any member.

Resolution #89-2013

Moved by John Purdon

Seconded by Wayne Millar

THAT the minutes of October 10, 2013 be adopted as presented

CARRIED

The first application heard was B-20-13-OL, Brenda & Ronald Price which was deferred at the September meeting to allow the applicants to review their options regarding the existing barn on the property. The applicants have decided to include the barn in the severed and have revised their application which is now coming forth to the committee.

Resolution #90-2013

Moved by Wayne Millar

Seconded by John Purdon

That Severance Application B-20-13-OL, Pt. Lot 3 & 4, Conc. 2, Brenda & Ronald Price 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 53 (17) or (24) of the Planning Act.***
- 2. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***

3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*
If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

CARRIED

The next two applications heard were B-23 & B-24-13-OS, David & Wendy Stanyon and Fred Johnson which are being severed as lot additions which will be added to the adjacent lot to the east in the name of David & Wendy Stanyon.

Application B-23-13-OS was originally Block A on reference plan 1610 which I believe was the first phase in the Nowell subdivision back in the late 70's early 80's. The road allowance shown on the reference plan as Part 1 on plan 13R-7316 and the adjacent parcel identified as Block A was owned by the Township of Oso who in turn sold the land to Fred and Diane Johnson and the Smiths as joint owners of both parcels.

Mr. Johnson and the present owners David & Wendy Stanyon would like to sever these parcels so each would receive 28.5 metres of water frontage and add it to their existing lots of record, Stanyon's property is to the east and the Johnson lot is to the west. The proposed lot is within the Waterfront Residential Zone which permits single detached and seasonal dwellings. The severed lot is being added to an existing waterfront lot which will increase the water frontage from 68 metres to 96.5 metres exceeding the required 91 metres. This application meets all the requirements of the zoning by-law.

Application B-24-13-OS was originally a road allowance which was sold to Fred and Diane Johnson and the Smiths as joint owners. Mr. Johnson and the present owners David & Wendy Stanyon would like to sever this parcel so that each would receive 28.5 metres of water frontage and to the same overall lot size that is why this parcel is so small. The intent is to add this to the Stanyon's existing lot to the east while the retained will be consolidated with Mr. Johnson's lot to the west. Like the previous application it meets all the requirements of the zoning by-law.

Mr. Johnson approached the staff during the site visit and questioned the cost of the application fee for B-24-13-OS as this parcel is only 10 sq. metres and felt the \$550.00 fee was too much. Therefore, Cathy presented to the committee that in fact it is a small parcel and since there is only one site visit that recommended to the committee that Mr. Johnson be reimbursed the

\$550.00 fee. Mississippi Valley Conservation Authority and KFL&A Public Health are refunded their fee as they are treating it as one application.

Resolution #91-2013

Moved by John Purdon

Seconded by Wayne Millar

That Severance Application B-23-13-OS, Pt. Lot 11, Conc. 4, David & Wendy Stanyon and Fred Johnson 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 53 (17) or (24) of the Planning Act.***
- 2. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.***
- 5. That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:***

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

That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.
- 6. In accordance with section 50(12) of the Planning Act, the deed 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

Resolution #92-2013

Moved by Wayne Millar

Seconded by John Purdon

That Severance Application B-24-13-OS, Pt. Lot 11, Conc. 4, David & Wendy Stanyon and Fred Johnson 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 53 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:
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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

Resolution #93-2013

Moved by John Purdon

Seconded by Wayne Millar

That the request to refund the lot addition fee in the amount of \$550.00 for application B-24-13-OS, in the name of David & Wendy Stanyon and Fred Johnson be approved provided the Planning Act allows this action; if the Act does not allow committee to make this decision then we recommend this action be put before council for approval.

CARRIED

No further planning business was brought forth.

Resolution #94-2013

Moved by Wayne Millar

Seconded by Jeff Matson

That this meeting be adjourned until 6:00 p.m. December 12, 2013 at the District 3 Fire Hall, 1020 Wagner Road, Sharbot Lake.

CARRIED

Chairperson

Secretary-Treasurer

Meeting adjourned at 6:30 p.m.

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for November 14, 2013,
(Sharbot Lake)

Resolution # 88

Moved by

Seconded by

THAT the agenda be adopted as

Presented

Amended

Carried

Deferred

Refused

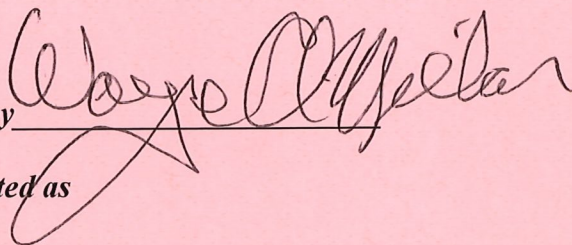
Chairperson

Resolution # 89

Moved by



Seconded by



THAT the minutes of October 10, 2013 be adopted as

Presented



Amended

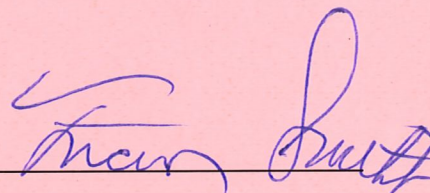
Carried



Deferred

Refused

Chairperson



Resolution # 90

Moved by [Signature] Seconded by [Signature]

That Severance Application B-20-13-OL, Pt. Lot 3 & 4, Conc. 2, Brenda & Ronald Price 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 53 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:*
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That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 91

Moved by

Seconded by

That Severance Application B-23-13-OS, Pt. Lot 11, Conc. 4, David & Wendy Stanyon and Fred Johnson 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 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.*
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 - 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

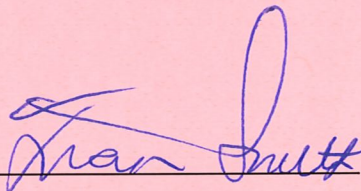
In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels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

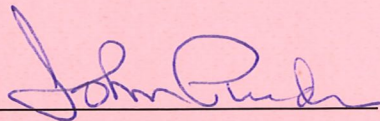
Chairperson 

Resolution # 92

Moved by



Seconded by



That Severance Application B-24-13-OS, Pt. Lot 11, Conc. 4, David & Wendy Stanyon and Fred Johnson 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 53 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$100.00 pursuant to Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and that the following covenants are registered on the deed:
If the lands herein are conveyed to any other third party within 5 years of the stamping of the deed by the Committee of Adjustment, the Township of Central Frontenac shall receive the balance of the fee payable under Section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.
That if the lands herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *In accordance with section 50(12) of the Planning Act, the deed 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 Fran Smith

Resolution # 93

Moved by [Signature]

Seconded by [Signature]

That the request to refund the lot addition fee in the amount of \$550.00 for application B-24-13-OS, in the name of David & Wendy Stanyon and Fred Johnson be approved.

provided the Planning Act allows this action; if the Act does not allow committee to make this decision then we recommend this action be put before Council for approval.

Carried

Deferred

Refused

Chairperson [Signature]

Resolution # 94

Moved by

Seconded by

That this meeting be adjourned until 6:00 p.m. December 12, 2013 at the District 3 Fire Hall, 1020 Wagner Road, Sharbot Lake.

Carried

Deferred

Refused

Chairperson



THURSDAY DECEMBER 12, 2013

6:00 P.M. COMMITTEE OF ADJUSTMENT

DISTRICT 3 FIRE HALL, WAGNER ROAD - SHARBOT LAKE

- 1) Call to order (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meeting –November 14, 2013
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:

B-25-13-HI – Frank & Lori Domen – creation of a new lot - *deferred*

B-26-13-HI – Denis & Noella Emard – creation of a right of way

B-27-13-HI – Denis & Noella Emard – creation of a right of way

B-28-13-HI – Robert Gulyas – creation of a right of way

B-29-13-OS – Margaret Fosnough – lot addition

deferred

- 7) Applications for minor variance:

A-20-13 – Carole & Larry Conway – reduction of setback from water body – to be deferred

A-21-13 – Jim Spinks/Cheryl Furlong – reduction of setback from water body (*deferred*)

A-22-13- Jeff & Leslie Aird – reduction of setback from a water body

- 8) Other planning business
Meetings for 2014 – continue with the second Thursday of the month?
- 9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes –December 12, 2013

Committee of Adjustment met on December 12, 2013 at 6:00 p.m. at the District 3 Fire Hall, 1020 Wagner Road, Sharbot Lake.

Present: Frances Smith, Jeff Matson, Wayne Millar, John Purdon.

Absent: Normand Guntensperger, Janet Gutowski, Heather Fox, Tom Dewey and William (Bill) Snyder.

Staff in attendance: Cathy MacMunn, Deputy Clerk/Planning Coordinator

Public in attendance: Tom MacDonald, Ron Weaver, Grant & Sondra Feasby, Sue Rawson

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

The agenda was then introduced.

Resolution #95-2013

Moved by John Purdon

Seconded by Wayne Millar

THAT the agenda be adopted as amended.

CARRIED

No declarations of pecuniary interest were noted by any member.

There minutes from the November meeting were not ready for review but will come forth at the January 2014 meeting.

The first application heard was B-25-13-HI, Pt. Lot 8, Conc. 3, Frank & Lori Domen who are creating a new waterfront lot having a frontage of 170 metres on Cole Lake and a depth of 80 metres. There is an existing dwelling on the parcel to be severed.

Cathy MacMunn reviewed the staff report with the committee. Question from the committee was with respect to the barn on the retained parcel and its proximity to the proposed new lot line. Tom MacDonald agent for the Domen's did not have the exact measurement from the barn to the proposed lot line and like a previous application the Minimum Distance Separation guidelines do apply and therefore, it needs to be determined the distance the barn needs to be from the new lot line. The committee deferred the application to allow the applicant and their agent the opportunity to review their options.

Resolution #96-2013

Moved by John Purdon

Seconded by Wayne Millar

That Severance Application B-25-13-HI, Pt. Lot 8, Conc. 3, Frank & Lori Domen 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 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 enter into a development agreement under Section 51 (26) of the Planning Act with the municipality to address the upgrading of Giles Lane as set out in Appendix 1 of the Official Plan and all works are to be completed in accordance with the recommendations and satisfaction of the Public Works Manager; and further that all costs associated with the preparation and registration of the agreement 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.*

DEFERRED

The next two applications heard were B-26 & B-27-13-HI, Lots 27 & 29, Conc. 1, Denis & Noella Emard which are to grant a right of way over an existing private lane/right of way to a parcel of land owned by Robert & Agathe Gulyas. The parcel requiring the right of way presently does not have legal access over the private lane. A legal right of way is required if Mr. & Mrs. Gulyas decide to sell the property.

Application B-28-13-HI, Lot 26, Conc. 1, Robert Gulyas is also granting a right of way to his property in the name of Robert & Agathe Gulyas. The first two applications are connected with the approval of the third application as they are to grant a right of way in favour of the property in Mr. & Mrs. Gulyas's name which is next to Eagle Lake.

Cathy reviewed the reports with the committee and read the letters from the adjacent land owners. Cathy also indicated that the private lane already exists over Mr. Emard's property and from there they would travel on the road allowance which Mr. Emard had permission to upgrade from Council a number of years ago. There was some concern on when the road from Mr. Emard's property at Lot 27 was upgraded. Mr. & Mrs. Feasby as well as Sue Rawson thought the work was done this past year. Cathy mentioned she spoke with Mr. Gulyas who stated that the road has been there for some time. Jeff Matson committee member mentioned that if the road was completed that they would need a permit from the Conservation Authority.

There was a discussion on these applications and the concerns raised by Mr. & Mrs. Feasby who are adjacent land owners to Mr. Emard and were concerned with the private road which comes close to their lot line.

The committee decided to defer all three applications to receive further information regarding the private road and have asked staff to forward the applications to the Rideau Valley Conservation

Authority for their review. Cathy is to inform all parties when it would come back to the committee for discussion as the January meeting may be too soon.

Resolution #97-2013

Moved by John Purdon

Seconded by Wayne Millar

That Severance Application B-26-13-HI, Lots 27 & 29, Conc. 1, Denis & Noella Emard 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 53 (17) or (24) of the Planning Act.***
- 2. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.***
- 5. That the right of way be registered on title to the property over which it passes and the property to which it gives access.***
- 6. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

DEFERRED

Resolution #98-2013

Moved by John Purdon

Seconded by Wayne Millar

That Severance Application B-27-13-HI, Lots 27 & 29, Conc. 1, Denis & Noella Emard 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 53 (17) or (24) of the Planning Act.***
- 2. That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.***
- 3. That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.***
- 4. That payment of the balance of any outstanding taxes is made to the Township Treasurer.***

5. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

DEFERRED

Resolution #99-2013

Moved by John Purdon

Seconded by Jeff Matson

That Severance Application B-28-13-HI, Lot 26, Conc. 1, Robert Gulyas 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 53 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

DEFERRED

The last consent application heard was B-29-13-OS, Pt. Lot 6, Conc. 2, Margaret Fosnough who is conveying a parcel of land as a lot addition to the adjacent lot to the south owned by Rudy Hollywood. The parcel has 48.76 metres on Shibley Road and has an existing laneway which has provided access to the Hollywood's to their existing cottages.

Cathy MacMunn reviewed the staff report with the committee and mentioned that the laneway has been used as access by the Hollywood's in excess of 20 years and now they would like to formally own the laneway to protect their access in the future if Ms. Fosnough decides to sell her property. The committee asked if anyone else uses this laneway as access to their cottage. Cathy mentioned no the Hollywood's are the only people using this road.

Resolution #100-2013

Moved by Jeff Matson

Seconded by John Purdon

That Severance Application B-29-13-OS, Pt. Lot 6, Conc. 2, Margaret Fosnough 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 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. *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

The first minor variance application brought forth was A-20-13, Part Lot 14, Conc. 8, Carole & Larry Conway to reduce the minimum required front yard and water body setback of 30 metres to 15 metres to permit the reconstruction of a waterfront cottage along Empire Lane by reducing the water body setback requirements in recognition of the presence of several topographical and physical constraints on the property. Glenn Tunnock the planning consultant reviewed the application and conducted the site visit and as a result had some concerns and provided them to the applicant's agent. The agent – John Lunney of ZanderPlan Inc. requested a deferral of the application so allow them the time to consider further development options for the property.

Resolution #101-2013

Moved by Jeff Matson

Seconded by John Purdon

In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the

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

That Minor Variance Application A-20-13, Part Lot 14, Concession 8, – Carole & Larry Conway to reduce the minimum required front yard and water body setback of 30 metres (s.4.23 (e) and 5.6.2 of the By-law) to 15 metres to permit the reconstruction of a waterfront cottage along Empire Lane by reducing the water body setback requirement in recognition of the presence of several topographical and physical constraints on the property be deferred to allow the applicant and their agent to consider further development options for the property.

CARRIED

The second minor variance application brought forth was A-21-13, Part Lot 7, Conc. 11, Jim Spinks c/o Cheryl Furlong to reduce the minimum required front yard and water body setback of 30 metres to 13.4 metres for the proposed addition and 17.67 metres for the shed. Glenn Tunnock the planning consultant reviewed the application and conducted the site visit and as a result had some concerns. A copy of the planning report was forwarded to the applicant, and as a result they requested a deferral of their application to allow them time to review the planning report and their options.

Resolution #102-2013

Moved by John Purdon

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-21-13, Part Lot 7, Concession 11, – Jim Spinks c/o Cheryl Furlong to reduce the minimum required front yard and water body setback of 30 metres (s.4.23 (e) and 5.6.2 of the By-law) to 13.4 metres for the proposed addition and 17.67 metres for the shed to permit an addition to a cottage and a new storage shed along Chippego Lake within the required front yard and water body setback be deferred to allow the applicant time to review the planning report and their options.

CARRIED

The last minor variance application brought forth was A-22-13, Part Lot 26, Conc. 3, Jeff & Leslie Aird to reduce the required front yard setback and water body setback from 30 metres to 18.28 metres to permit the installation of a new sewage disposal system on an existing waterfront lot. Glenn Tunnock the planning consultant reviewed the application and conducted the site visit and as a result recommended approval to the committee and outlined the reasons why.

The committee asked about the illegal sleep cabin which was noted in the planning report. Cathy mentioned that Jeremy is dealing with that issue.

Resolution #103-2013

Moved by Jeff Matson

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-22-13, Part Lot 26, Concession 3 – Jeff & Leslie Aird to reduce the required front yard setback and water body setback from 30 m to 18.28 m to permit the installation of a new sewage disposal system on an existing waterfront lot within the required front yard and water body setback be approved for the reasons:

FOR THE FOLLOWING REASONS:

1. Given that the lot is an existing lot of record occupied by an existing building (cottage) and consequently is considered to be a permitted residential use for the purposes of the Plan. The sewage disposal system is a requirement of the *Building Code* and is an incidental and essential accessory use. The proposed location will not detract from the current vegetative cover within the Ribbon-of-Life area and in fact is an improvement over the current method of servicing the cottage. The first test is met given that the accessory use is permitted and the proponent proposes to install a tertiary system as intended by Section 3.6.3 of the Official Plan which encourages the installation of systems with a high phosphorus removal component.
2. The subject lands are currently zoned Waterfront Residential (RW) Zone in By-law 2011-52, the Township's comprehensive zoning by-law. Permitted uses include a seasonal dwelling, and accessory uses such as a sewage disposal system.

The existing building (cottage) and the existing sewage disposal system do not comply with the requirements of Section 4.24 (e) (i) of the zoning by-law which stipulates: "Unless otherwise stated in Section 4.15 the minimum *setback* from the *high water mark* and the exterior boundary of a wetland for a habitable *structure* (e.g. *dwelling, sleep cabin, garden suite*), a non-residential *building*, an *accessory building* or *structure* (e.g. *shed, storage building, detached garage*) and an on-site *sewage disposal system* shall be 30 m [98.4 ft.];"

As a consequence, the application for the minor variance is required for the proposed reduction of the setback for the tile field. The setback proposed maximizes the distance from the creek given the limit of the lot depth from this water body. The installation of the system will be required to meet the requirements of Section 8 of the *Building Code*; consequently, in my opinion, a site plan agreement is not required even though this is an option where mitigating measures are required to reduce the impacts. The second test is met given that the cottage and accessory sewage disposal system are met and that the intent to increase the setback as much as is possible given the limitations of the configuration of the property will be met.

3. The application, if approved, would provide for a variance that is 30% for the location of the new system. The impact of this development can be considered minor given the improved treatment of sewage over the current system and thus a lesser impact on the natural environment or water quality of the abutting creek and lake.

4. The replacement of the current sewage disposal system with an enhanced phosphorus removal element is highly appropriate for the cottage and moves to a more sustainable solution to on-site services; hence the 4th test will be met.

CARRIED

No further planning business was brought forth.

Resolution #103-2013

Moved by Jeff Matson

Seconded by Wayne Millar

That this meeting be adjourned until 6:00 p.m. January 9, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

CARRIED

Chairperson

Secretary-Treasurer

Meeting adjourned at 7:00 p.m.

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT
Resolutions for December 12, 2013,
(Sharbot Lake)

Resolution # 95

Moved by

John Pender

Seconded by

Gregory J. Miller

THAT the agenda be adopted as

Presented _____

Amended ✓

Carried ✓

Deferred _____

Refused _____

Chairperson

Graeme Smith

Resolution # 96

Moved by [Signature] Seconded by [Signature]

That Severance Application B-25-13-HI, Pt. Lot 8, Conc. 3, Frank & Lori Domen 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 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 enter into a development agreement under Section 51 (26) of the Planning Act with the municipality to address the upgrading of Giles Lane as set out in Appendix 1 of the Official Plan and all works are to be completed in accordance with the recommendations and satisfaction of the Public Works Manager; and further that all costs associated with the preparation and registration of the agreement 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 _____

Deferred ✓

Refused _____

Chairperson [Signature]

Resolution # 97

Moved by

[Signature]

Seconded by

[Signature]

That Severance Application B-26-13-HI, Lots 27 & 29, Conc. 1, Denis & Noella Emard 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 53 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

T -

Carried _____

Deferred _____

Refused _____

Chairperson _____

[Signature]

Resolution # 98

Moved by Jeff M Seconded by [Signature]

That Severance Application B-27-13-HI, Lots 27 & 29, Conc. 1, Denis & Noella Emard 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 53 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

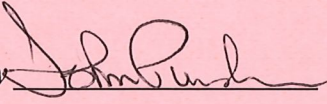
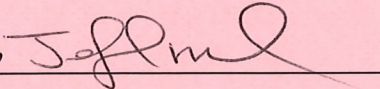
Carried _____

Deferred ✓

Refused _____

Chairperson [Signature]

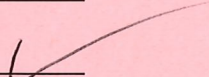
Resolution # 99

Moved by  Seconded by 

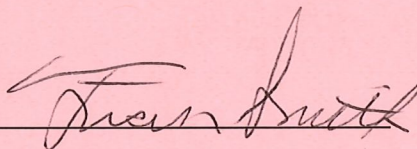
That Severance Application B-28-13-HI, Lot 26, Conc. 1, Robert Gulyas be approved subject to the following conditions:

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 53 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried _____

Deferred 

Refused _____

Chairperson 

Resolution # 100

Moved by [Signature]

Seconded by [Signature]

That Severance Application B-29-13-OS, Pt. Lot 6, Conc. 2, Margaret Fosnough 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 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. *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.*

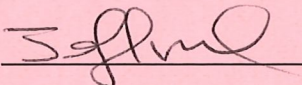
Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

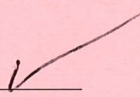
Resolution # 101

Moved by 

Seconded by 

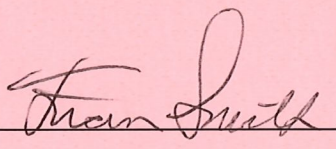
In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained 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-20-13, Part Lot 14, Concession 8, – Carole & Larry Conway to reduce the minimum required front yard and water body setback of 30 metres (s.4.23 (e) and 5.6.2 of the By-law) to 15 metres to permit the reconstruction of a waterfront cottage along Empire Lane by reducing the water body setback requirement in recognition of the presence of several topographical and physical constraints on the property be deferred to allow the applicant and their agent to consider further development options for the property.

Carried 

Deferred _____

Refused _____

Chairperson 

Resolution # 102
Moved by John Rubin Seconded by Jeffrey

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-21-13, Part Lot 7, Concession 11, – Jim Spinks c/o Cheryl Furlong to reduce the minimum required front yard and water body setback of 30 metres (s.4.23 (e) and 5.6.2 of the By-law) to 13.4 metres for the proposed addition and 17.67 metres for the shed to permit an addition to a cottage and a new storage shed along Chippego Lake within the required front yard and water body setback be deferred to allow the applicant time to review the planning report and their options.

Carried

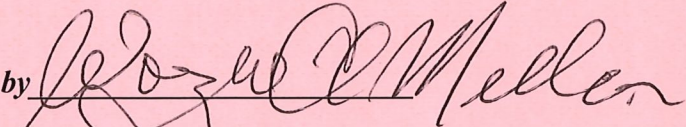
Deferred

Refused

Chairperson Travis Smith

Resolution # 103

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-22-13, Part Lot 26, Concession 3 – Jeff & Leslie Aird to reduce the required front yard setback and water body setback from 30 m to 18.28 m to permit the installation of a new sewage disposal system on an existing waterfront lot within the required front yard and water body setback be approved for the reasons:

FOR THE FOLLOWING REASONS:

1. Given that the lot is an existing lot of record occupied by an existing building (cottage) and consequently is considered to be a permitted residential use for the purposes of the Plan. The sewage disposal system is a requirement of the *Building Code* and is an incidental and essential accessory use. The proposed location will not detract from the current vegetative cover within the Ribbon-of-Life area and in fact is an improvement over the current method of servicing the cottage. The first test is met given that the accessory use is permitted and the proponent proposes to install a tertiary system as intended by Section 3.6.3 of the Official Plan which encourages the installation of systems with a high phosphorus removal component.
2. The subject lands are currently zoned Waterfront Residential (RW) Zone in By-law 2011-52, the Township's comprehensive zoning by-law. Permitted uses include a seasonal dwelling, and accessory uses such as a sewage disposal system.

The existing building (cottage) and the existing sewage disposal system do not comply with the requirements of Section 4.24 (e) (i) of the zoning by-law which stipulates: "Unless otherwise stated in Section 4.15 the minimum setback from the high water mark and the exterior boundary of a wetland for a habitable structure (e.g. dwelling, sleep cabin, garden suite), a non-residential building, an accessory building or structure (e.g. shed, storage building, detached garage) and an on-site sewage disposal system shall be 30 m [98.4 ft.];"

As a consequence, the application for the minor variance is required for the proposed reduction of the setback for the tile field. The setback proposed maximizes the distance from the creek given the limit of the lot depth from this water body. The installation of the system will be required to meet the requirements of Section 8 of the *Building Code*; consequently, in my opinion, a site plan agreement is not required even though this is an option where mitigating measures are required to reduce the impacts. The second test is met given that the cottage and accessory sewage disposal system are met and that the intent to increase the setback as much as is possible given the limitations of the configuration of the property will be met.

3. The application, if approved, would provide for a variance that is 30% for the location of the new system. The impact of this development can be considered minor given the improved treatment of sewage over the current system and thus a lesser impact on the natural environment or water quality of the abutting creek and lake.

4. The replacement of the current sewage disposal system with an enhanced phosphorus removal element is highly appropriate for the cottage and moves to a more sustainable solution to on-site services; hence the 4th test will be met.

Carried ✓

Deferred

Refused

Chairperson *Fran Smith*

Resolution # 104

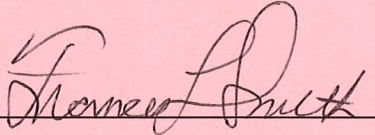
Moved by  **Seconded by** 

That this meeting be adjourned until 6:00 p.m. January 9, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried _____

Deferred _____

Refused _____

Chairperson 

shoreline by not permitting any further development within the 30 metre setback of the water. The shoreline has been largely retained in its natural state. The general intent of the by-law will be met and to that extent the second test will be met.

3. The impact is minor given that no further development be permitted within the 30 metre setback including any hardened surfaces this 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 planning documents (official plan and zoning by-law) is to permit shoreline development that minimizes the impact of buildings and structures on the ecological functions of the natural environment. The cabin and accessory structure already exists and the addition will not encroach any further into the water setback and the ecological values of the shoreline will be retained and to that extent, will meet the fourth test.

Carried ✓

Deferred _____

Refused _____

Chairperson Fran Smith

water and needs to be relocated to provide for a minimum setback from the high water of 15 metres which will minimize the encroachment into the 30 m setback. The shoreline has been largely retained in its natural state. The general intent of the by-law will be met once the front deck has been removed and the sleep cabin is relocated and to that extent the second test will be met.

3. The impact is minor given that the cabin is already existing provided the sleep cabin is relocated to achieve a 15 metre setback, the front deck be removed and that no further development be permitted within the 30 metre setback including any hardened surfaces this will avoid further impacts and consequently the variance can be considered minor and thus meets the third test.

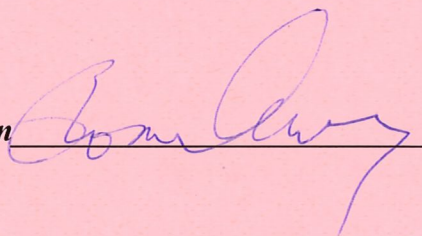
4. Is the building or structure desirable for the appropriate development or use of land? The intent of the planning documents (official plan and zoning by-law) is to permit shoreline development that minimizes the impact of buildings and structures on the ecological functions of the natural environment. The removal of the front deck and relocating of the sleep cabin will conserve the ecological values of the shoreline and to that extent, will meet the fourth test.

Carried _____

Deferred _____

Refused _____

Chairperson _____



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

Carried ✓
Deferred _____
Refused _____

Chairperson Alan Smith

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

Carried ✓
Deferred _____
Refused _____

Chairperson Karen Smith