



THURSDAY NOVEMBER 13, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order by (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meetings – ~~August 14th~~, September 18th and October 8, 2014
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - ✓ B-12-14-HI – Douglas & Michele Cummings – lot addition
 - ✓ B-13-14-OS – Ken & Kim Gould – lot addition
 - ✓ B-14-14-OS – George Conboy – creation of a new lot
- 7) Applications for minor variance:
 - ✓ A-4-14 – Lucie Marion/JC Potvin – reduction from the high water mark (previously deferred)
 - ✓ A-10-14 – Lars D. Thompson – reduction from the high water mark (previously deferred)
 - ✓ A-4-13 – George Yuhanov – reduction from the high water mark (previously Deferred in 2013)
 - ✓ A-10-13 – Johan Rudnick – reduction from the high water mark (previously Deferred in 2013)
- 8) Other planning business
- 9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes – November 13, 2014

Committee of Adjustment met on November 13, 2014 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: Heather Fox, Normand Guntensperger

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer and Joe Gallivan planner from Frontenac County.

Public in attendance – Kim Gould, Keena Brash, JC Potvin, Tom MacDonald and Victor Heese

The purpose of the meeting is to discuss three (3) consent and four (4) minor variance applications.

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

The agenda was then introduced. There were no declarations of pecuniary interest noted by any member.

Resolution #73

Moved by Wayne Millar

Seconded by Jeff Matson

That the agenda be adopted as amended.

Carried

Resolution #74

Moved by Jeff Matson

Seconded by Wayne Millar

THAT the minutes of September 18, 2014 and October 8, 2014 be adopted as presented.

Carried

The first application being heard is B-12-14-HI, Pt. Lot 26, Concession 3, Douglas & Michele Cummings. The applicants are proposing a lot adjustment for Parts 29 & 30 and 31, 32 & 33 of Lot 26, Concession 1 on Eagle Lake. A portion of Lot 26, Parts 31, 32 & 33 is proposed to be transferred to the adjacent property the west being Lot 26, Parts 29 & 30 which they also own.

Cathy MacMunn, Secretary Treasurer provided an overview while Joe Gallivan presented the application along with recommendations. The committee approved the application with conditions.

Resolution #75

Moved by Wayne Millar

Seconded by Tom Dewey

That Severance Application B-12-14-HI, Part of Lot 26, Conc. 3, Douglas & Michele Cummings 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.***

Resolution #75 continued:

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:*
 - a. *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.*
 - b. *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:

- a. *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*
- b. *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 lot receives minor variance approvals for a reduced lot area and water frontage.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

The next application being heard is B-13-14-OS, Pt. Lot 27, Concession 3, Ken & Kim Gould. The applicant is proposing to sever an approximately 0.65 hectare (1.61 acres) portion of an existing lot at 16283 Road 509 and transfer it through a lot adjustment to the neighbouring vacant property. The retained parcel (16283 Road 509) will decrease from 2.22 hectares (5.43 acres) to 1.57 hectares (3.88 acres). The benefitting parcel (16303 Road 509) will increase from 2.00 hectares (4.94 acres) to 2.65 hectares (6.55 acres). The proposed severed lands are legally described as part of the East Part of Lot 28 and Part Lot 27, Concession 3, Oso District.

Cathy MacMunn, Secretary Treasurer provided an overview while Joe Gallivan presented the application along with recommendations. The committee approved the application with conditions.

Resolution #76

Moved by Wayne Millar

Seconded by Tom Dewey

That Severance Application B-13-14-OS, Part of Lot 27, Conc. 3, Ken & Kim Gould 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:***
 - a. 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.***
 - b. 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:

Resolution #76 continued:

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

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

Carried

The next application being heard is B-14-14-OS, Lots 19 & 20, Concession 1, George Conboy. The applicant is proposing to sever and convey an approximately 0.84 hectare (2.1 acre) portion of an existing lot legally described as Lot 19 and Lot 20, Concession 1, Oso. It is proposed that the existing retained parcel will decrease from 40.8 hectares (100.8 acres) to 40.0 hectares (98.8 acres). The severed lot will be 0.84 hectares (2.1 acres) in size with a frontage of 98 metres (322 feet) on Bell Line Township Road.

The subject property is located on the south side of Bell Line Road, with Road 509 bordering the property to the east. The surrounding area includes rural residential development with farmland, wooded area, wetlands and waterbodies. On the retained lot there is currently a single detached dwelling with several barns, silos and sheds. The severed lot in the northwest corner is proposed to be for residential use and a dwelling will be constructed in the future.

Cathy MacMunn provided an overview while Joe Gallivan presented the application. The committee approved the application with conditions.

Resolution #77

Moved by Wayne Millar

Seconded by Tom Dewey

That Severance Application B-14-14-OS, Lots 19 & 20, Conc. 1, George Conboy 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.*

Resolution #77 continued:

4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the Township of Central Frontenac receives \$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:*
 - a. *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.*
 - b. *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(s) must ensure that a civic address is applied for through the Township and an entrance permit be obtained if required by Public Works.*
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 being heard was A-4-14, Part Lot 9, Concession 2, – Lucie Marion/JC Potvin to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 (e) (i) of Zoning By-law 2011-52) from 30 m to 15 m for the deck and approximately 18 m for the building to permit a dwelling and deck. This application was deferred previously to allow the applicant the opportunity to review their proposal and to potentially modify the application.

Joe Gallivan mentioned to the committee that the application has now been modified with a proposal for a 15 metre setback for the deck and approximately 18 metres for the building. The dwelling would be moved as far back into the hill as possible, and the driveway would be re-aligned for access to the new dwelling location. He outlined the four tests and his recommendations. The committee approved the application with conditions.

Resolution #78

Moved by Wayne Millar

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-4-14, Part Lot 9, Concession 2, – Lucie Marion/JC Potvin to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 15 m for the deck and approximately 18 m for the building be approved with the following conditions and reasons:

Resolution #78 continued:

CONDITIONS:

- (i) That the variance is based on the location and size of the dwelling as indicated in the submission by the applicant;**
- (ii) That the septic system be located outside of the 30 metre setback from the high water mark.**
- (iii) That the applicant enters into a development agreement with the municipality to be registered on title. The development agreement will contain the following provisions, with wording changes subject to the satisfaction of the Township:**
 - a. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.**
 - b. Excavated material shall be disposed of well away from the lake.**
 - c. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
 - d. 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.**
 - e. With the exception of a maximum 9 metre wide clearing for water access, the areas within 10 metres from the water, and any area of the previous cottage footprint beyond 10 metres shall be revegetated along the shoreline to native vegetation cover. Deeply rooted native vegetation should be used in order to mitigate the effects of erosion and surface runoff on the lake. Other existing shoreline vegetation shall be retained to a minimum depth of 15 metres.**
- (iv) That a landscape plan that implements the vegetation requirements of Condition iii d) be registered on title to the satisfaction of the Township.**

FOR THE FOLLOWING REASONS:

The proposed application to permit a dwelling and deck at reduced front yard and water body setback to 15 meters for the deck and 18 metres for the dwelling meets the four tests for a minor variance:

- 1. The application conforms to the general intent and purpose of the Official Plan because the location of the new cottage and deck is located as far back as possible on the lot and will improve shoreline development.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because the setback on the lot is maximized toward the hill and conditions of approval will improve shoreline quality.**

Resolution #78 continued:

FOR THE FOLLOWING REASONS:

3. The application is desirable for the appropriate development of the lands because it allows for construction of a legal non-conforming dwelling with appropriate room for well and septic, with an improvement in shoreline quality compared to the previous structure on the site.

4. The application minor because it will not have an adverse effect on waterfront character and represents an improvement to the structure that previously was on the property.

Carried

The next minor variance application being heard was A-10-14, Part Lot 30, Concession 2, – Lars Thompson to reduce the front yard setback and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 18.28 m for the construction of a dwelling.

The applicant is proposing a 125.6 square metre (1352 square foot) dwelling footprint with a 520 square foot deck. The deck is proposed to be setback 18.3 metres (60 feet) from the waterfront, and the dwelling is proposed to be set back 21.3 metres (70 feet). There is an approved septic system location between the proposed house location and the roadway.

This application was previously deferred until the comments from Rideau Valley Conservation Authority were received which have arrived. RVCA recommended a number of conditions of approval should the variance be granted.

Cathy MacMunn provided an overview while Joe Gallivan presented the application along with recommendations. The committee mentioned that the lot area is small as identified in his sketch. Joe confirmed that according to Teranet the lot is actually larger. Joe also mentioned that MPAC is not required to be accurate and that is we use the Teranet system to determine actual sizes as it is more precise. The committee approved the application with conditions.

Resolution #79

Moved by Wayne Millar

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-10-14, Part Lot 30, Concession 2, – Lars Thompson to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 18.28 m for the construction of a dwelling be approved with the following conditions and reasons:

CONDITIONS:

- (i) That the variance is based on the location and size of the dwelling and attached deck as indicated in the submission by the applicant; and
- (ii) That the variance is based on the location and size of the dwelling and attached deck as indicated in the submission by the applicant; and
- (iii) That the applicant enters into a development agreement with the Township to be registered on title. The development agreement will contain the following provisions, with wording changes subject to the satisfaction of the Township:
 - a. Erosion and site runoff controls shall be implemented to the satisfaction of the Chief Building Official for the duration of the work. We support sediment controls (silt fence or straw bales) be set in place, immediately downslope of the construction, prior to the project initiation. Sediment and erosion controls shall remain in place in good working order until the work is completed and the site is stable.
 - b. Runoff should be collected from the roof of the new residence and directed to the rear of the lot (and away from the services) into leaching areas/pits to provide infiltration of surface runoff. Rain barrels may be an additional option given the site conditions
 - c. Any excavated materials as a result of the project will be disposed of well away from the water
 - d. Shoreline vegetation and forest cover on the slope to water (save for a minor pedestrian water access/path/stairway) should be shown to be maintained on the site sketch. Keeping native vegetation and soils cover between the cottage and the water will protect against long term nutrient and sediment flow to the lake.
 - e. The waterfront shoreline of the property shall remain undisturbed to maximize water quality protection of Eagle Lake. The only exception shall be a modest step/pathway to the water's edge and a dock.
 - f. That the applicant be required to install a tertiary septic system.

FOR THE FOLLOWING REASONS:

1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and appropriate mitigation measures will be put in place to protect Eagle Lake.

2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront character and the setback is maximized given the location of the septic system.

3. The application is desirable for the appropriate development of the lands in question because it allows for development of the land while minimizing any negative impacts on the surrounding waterbody and slope.

4. The application is minor because it maximizes the setback given the septic system location and will not have an adverse impact on the surrounding character.

Carried

The next minor variance application being heard was A-4-13, Lot 8, Concession 5, – George Yuhanov to reduce the front yard and water body setback from 30 m to 12 m for the construction of a seasonal dwelling. The subject property has approximately 63 metres (207 feet) water frontage on the north side of Horseshoe Lake. The property is approximately 0.14 hectares (0.35 acres) in size. There is an existing seasonal dwelling constructed without a building permit on the property at 7.6 metres from the high water mark.

Cathy MacMunn provided an overview and mentioned that this application had been deferred in September 2013 for six months to allow the applicant the opportunity to acquire abutting lands and add them to the lot as it was below our minimum lot size. The six months expired in March 2014 and the committee did not hear back from the applicant. Therefore, on the recommendation of the current planners Joe Gallivan and Peter Young the application should be denied as the lot does not meet the minimum lot size as per Zoning By-law 2011-52. Joe reviewed his report with the committee and outlined the reasons for the denial.

The committee denied the application.

Resolution #80

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, Lot 8, Concession 5, – George Yuhanov to reduce the front yard and water body setback from 30 m to 12 m for the construction of a seasonal dwelling be denied for the following reasons:

FOR THE FOLLOWING REASONS:

- 1. The application does not conform to the general intent and purpose of the Official Plan because the lot is considered unsuitable for development.**
- 2. The application does not conform to the general intent and purpose of the Zoning By-law because the lot does not meet the minimum lot area and requires additional land that could allow the development to be set further back.**
- 3. The application is not desirable for the appropriate development of the lands because the parcel is undersized.**
- 4. The application is not minor because it would represent a decrease in setback on a lot that must be larger in order to allow development.**

Carried

The next minor variance application being heard was A-10-13, Pt. Lot 19, Concession 8, – Johan Rudnick to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 8.5 m for the cottage.

This application was deferred May 23, 2013 as the committee was waiting for comments from KFL&A Public Health and Quinte Conservation Authority. It also allowed the applicant to review the comments from Mr. Tunnock Township planner as he had a number of concerns. Cathy mentioned that the reports from the agencies were received and Mr. Rudnick had reviewed his proposal further and made a few changes. Joe Gallivan and Peter Young as the current planners reviewed Mr. Tunnock's report and provided reasons and conditions of approval.

The committee approved the application with conditions.

Resolution #81

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-10-13, Pt. Lot 19, Concession 8, – Johan Rudnick to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 8.5 m for the cottage be approved with the following conditions and reasons:

CONDITIONS:

- (i) That the variance is based on the location and size of the dwelling as indicated in the submission by the applicant;**
- (ii) That the applicant enters into a development agreement with the Township to be registered on title. The development agreement will contain the following provisions, with wording changes subject to the satisfaction of the Township:**
 - a. 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.**
 - b. Excavated material shall be disposed of well away from the lake.**
 - c. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
 - d. 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, eavestroughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.**

Resolution #81 continued:

e. With the exception of a maximum 9 metre wide clearing for water access, the shoreline area shall be revegetated and maintained with native vegetation cover based on the planting agreement with the Centre for Sustainable Watersheds. Deeply rooted native vegetation should be used in order to mitigate the effects of erosion and surface runoff on the lake. Other existing shoreline vegetation shall be retained to a minimum depth of 30 metres.

(iii) That a landscape plan that implements the planting program be registered on title as part of the development agreement to the satisfaction of the Township

FOR THE FOLLOWING REASONS:

1. The application conforms to the general intent and purpose of the Official Plan because the application will not be closer to the waterfront than the existing building line and will improve the waterfront quality through conditions of approval.
2. The application conforms to the general intent and purpose of the Zoning By-law because the application represents a minor increase in floor area, the expansion will not go closer than the existing building line, and the conditions of approval will improve shoreline quality.
3. The application is desirable for the appropriate development of the lands because it allows for expansion of the cottage with an improvement in shoreline quality based on the planting programs.
4. The application minor because it will not have an adverse effect on waterfront character and represents an improvement in shoreline quality

Carried

No further planning business was brought forth.

Resolution #82

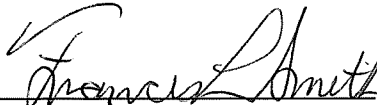
Moved by Jeff Matson

Seconded by Wayne Millar

That this meeting be adjourned.

Carried

The meeting adjourned at 7:00 p.m.


Chairperson


Secretary/Treasurer

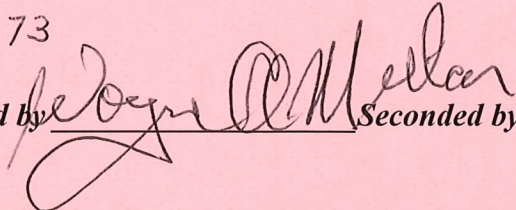
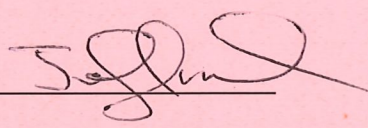
Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for November 13, 2014

(Sharbot Lake)

Resolution # 73

Moved by  Seconded by 

THAT the agenda be adopted as

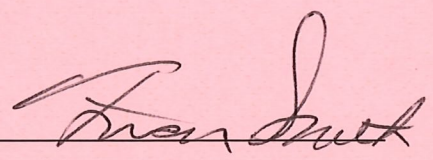
Presented _____

Amended

Carried

Deferred _____


Refused _____

Chairperson 

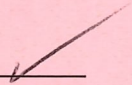
Resolution # 74

Moved by  Seconded by 

THAT the minutes of September 18th 2014 and October 8th, 2014 be adopted as

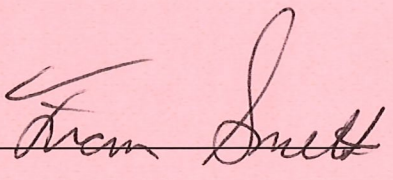
Presented 

Amended _____

Carried 

Deferred _____

Refused _____

Chairperson 

Resolution # 75

Moved by

Seconded by

That Severance Application B-12-14-HI, Part of Lot 26, Conc. 3, Douglas & Michele Cummings 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:*
 - a. *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.*
 - b. *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:

- a. *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
 - b. *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 lot receive minor variance approvals for a reduced lot area and water*

frontage.

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

Carried ✓

Deferred _____

Refused _____

Chairperson Tom Smith

Resolution # 76

Moved by

Seconded by

That Severance Application B-13-14-OS, Part of Lot 27, Conc. 3, Ken & Kim Gould 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:*
 - a. *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.*
 - b. *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:

- a. *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*
- b. *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 _____

Tom Smith

Resolution # 77

Moved by

[Handwritten signature]

Seconded by

[Handwritten signature]

That Severance Application B-14-14-OS, Lots 19 & 20, Conc. 1, George Conboy 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:*
 - a. *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.*
 - b. *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(s) must ensure that a civic address is applied for through the Township and an entrance permit be obtained if required by Public Works.*
7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

Deferred

Refused

Chairperson

[Handwritten signature]

Resolution # 78

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-4-14, Part Lot 9, Concession 2, – Lucie Marion/JC Potvin to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 15 m for the deck and approximately 18 m for the building be approved with the following conditions and reasons:

CONDITIONS:

- (i) That the variance is based on the location and size of the dwelling as indicated in the submission by the applicant;
- (ii) That the septic system be located outside of the 30 metre setback from the high water mark.
- (iii) That the applicant enters into a development agreement with the municipality to be registered on title. The development agreement will contain the following provisions, with wording changes subject to the satisfaction of the Township:
 - a. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.
 - b. Excavated material shall be disposed of well away from the lake.
 - c. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
 - d. 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.
 - e. With the exception of a maximum 9 metre wide clearing for water access, the areas within 10 metres from the water, and any area of the previous cottage footprint beyond 10 metres shall be revegetated along the shoreline to native vegetation cover. Deeply rooted native vegetation should be used in order to mitigate the effects of erosion and surface runoff on the lake. Other existing shoreline vegetation shall be

retained to a minimum depth of 15 metres.

- (iv) That a landscape plan that implements the vegetation requirements of Condition iii d) be registered on title to the satisfaction of the Township.

FOR THE FOLLOWING REASONS:

The proposed application to permit a dwelling and deck at reduced front yard and water body setback to 15 meters for the deck and 18 metres for the dwelling meets the four tests for a minor variance:

1. The application conforms to the general intent and purpose of the Official Plan because the location of the new cottage and deck is located as far back as possible on the lot and will improve shoreline development.
2. The application conforms to the general intent and purpose of the Zoning By-law because the setback on the lot is maximized toward the hill and conditions of approval will improve shoreline quality.
3. The application is desirable for the appropriate development of the lands because it allows for construction of a legal non-conforming dwelling with appropriate room for well and septic, with an improvement in shoreline quality compared to the previous structure on the site.
4. The application minor because it will not have an adverse effect on waterfront character and represents an improvement to the structure that previously was on the property.

Carried

Deferred

Refused

Chairperson Iron Smith

Resolution # 79

Moved by

Seconded by

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

That Minor Variance Application A-10-14, Part Lot 30, Concession 2, – Lars Thompson to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 18.28 m for the construction of a dwelling be approved with the following conditions and reasons:

CONDITIONS:

- (i) That the variance is based on the location and size of the dwelling and attached deck as indicated in the submission by the applicant; and
- (ii) That the applicant enters into a development agreement with the Township to be registered on title. The development agreement will contain the following provisions, with wording changes subject to the satisfaction of the Township:
 - a. Erosion and site runoff controls shall be implemented to the satisfaction of the Chief Building Official for the duration of the work. We support sediment controls (silt fence or straw bales) be set in place, immediately downslope of the construction, prior to the project initiation. Sediment and erosion controls shall remain in place in good working order until the work is completed and the site is stable.
 - b. Runoff should be collected from the roof of the new residence and directed to the rear of the lot (and away from the services) into leaching areas/pits to provide infiltration of surface runoff. Rain barrels may be an additional option given the site conditions
 - c. Any excavated materials as a result of the project will be disposed of well away from the water
 - d. Shoreline vegetation and forest cover on the slope to water (save for a minor pedestrian water access/path/stairway) should be shown to be maintained on the site sketch. Keeping native vegetation and soils cover between the cottage and the water will protect against long term nutrient and sediment flow to the lake.
 - e. The waterfront shoreline of the property shall remain undisturbed to maximize water quality protection of Eagle Lake. The only exception shall be a modest step/pathway to the water's edge and a dock.

f. That ~~a~~ ^{the applicant be required to install} ~~the new septic system~~ ^{be a tertiary^{septic} system}

Resolution # 80

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-4-13, Lot 8, Concession 5, – George Yuhanov to reduce the front yard and water body setback from 30 m to 12 m for the construction of a seasonal dwelling be denied for the following reasons:

FOR THE FOLLOWING REASONS:

1. **The application does not conform to the general intent and purpose of the Official Plan because the lot is considered unsuitable for development.**
2. **The application does not conform to the general intent and purpose of the Zoning By-law because the lot does meet the minimum lot area and requires additional land that could allow the development to be set further back.**
3. **The application is not desirable for the appropriate development of the lands because the parcel is undersized.**
4. **The application is not minor because it would represent a decrease in setback on a lot that must be larger in order to allow development.**

Carried ✓

Deferred _____

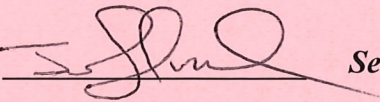
Refused _____

Chairperson _____

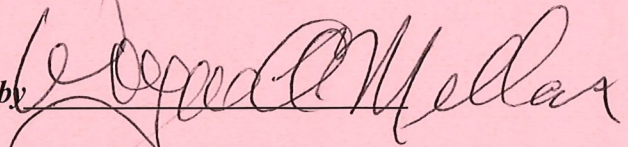
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Resolution # 81

Moved by



Seconded by



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

That Minor Variance Application A-10-13, Pt. Lot 19, Concession 8, – Johan Rudnick to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 8.5 m for the cottage be approved with the following conditions and reasons:

CONDITIONS:

- (i) That the variance is based on the location and size of the dwelling as indicated in the submission by the applicant;
- (ii) That the applicant enters into a development agreement with the Township to be registered on title. The development agreement will contain the following provisions, with wording changes subject to the satisfaction of the Township:
 - a. 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.
 - b. Excavated material shall be disposed of well away from the lake.
 - c. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
 - d. 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, eavestroughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.
 - e. With the exception of a maximum 9 metre wide clearing for water access, the shoreline area shall be revegetated and maintained with native vegetation cover based on the planting agreement with the Centre for Sustainable Watersheds. Deeply rooted native vegetation should be used in order to mitigate the effects of erosion and surface runoff on the lake. Other existing shoreline vegetation shall be retained to a minimum depth of 30 metres.
- (iii) That a landscape plan that implements the planting program be registered on title as part of the development agreement to the satisfaction of the Township

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because the application will not be closer to the waterfront than the existing building line and will improve the waterfront quality through conditions of approval.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because the application represents a minor increase in floor area, the expansion will not go closer than the existing building line, and the conditions of approval will improve shoreline quality.**
- 3. The application is desirable for the appropriate development of the lands because it allows for expansion of the cottage with an improvement in shoreline quality based on the planting programs.**
- 4. The application minor because it will not have an adverse effect on waterfront character and represents an improvement in shoreline quality**

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Ken Smith

Resolution # 82

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned.

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]



WEDNESDAY OCTOBER 8, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

DISTRICT 3 FIRE HALL – 1020 WAGNER RD, SHARBOT LAKE

- 1) Call to order by (Chair)**
- 2) Approval of Agenda**
- 3) Disclosure of pecuniary interest**
- 4) Minutes of previous meetings –August 14th and September 18th**
- 5) Unfinished/Old business and business arising from the minutes**
- 6) Applications for consent:**
 - Nil**
- 7) Applications for minor variance: All were deferred previously**
 - A-4-14 – Lucie Marion/JC Potvin – reduction from the high water mark**
 - A-13-14 – Chris Morrow – reduction from front yard and water body setback**
 - A-14-14 – Elizabeth Murphy – reduction from front yard and water body setback**
 - A-15-14 – Thelma Mott – reduction from front yard and water body setback**
- 8) Other planning business**
- 9) Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes – October 8, 2014

Committee of Adjustment met on October 8, 2014 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: Heather Fox, Normand Guntensperger

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer, Jeremy Neven Chief Building Official and Peter Young, planner from Frontenac County

Public in attendance – Thelma Mott, Lucie and JC Potvin, Steve Murphy, and Darren Ferguson.

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

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

The agenda was then introduced and Cathy, Secretary Treasurer mentioned that the September minutes were not finalized and will be brought forth to the next meeting.

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

Resolution #66

*Moved by Janet Gutowski Seconded by Tom Dewey
That the agenda be adopted as amended.*

Carried

Resolution #67

*Moved by Janet Gutowski Seconded by Tom Dewey
THAT the minutes of August 14th and September 18, 2014 be adopted as presented.*

Carried

The first application being heard is A-4-14, Pt. Lot 9, Concession 2, Lucie Marion (JC Potvin agent) to reduce the front yard and water body setback from 30 m to 4.3 m.

Cathy MacMunn, Secretary Treasurer went through the application and read the comments from Mississippi Conservation Authority and Joe Gallivan presented the application along with recommendations.

Mr. & Mrs. Potvin spoke on their application and mentioned that they were not aware of the fact that if they took down more than 50% of the building that it would be considered new construction. They indicated that it is on the same footprint and that the renovation is no larger than the existing dwelling. They also mentioned that they received approval for the foundation by the Building Inspector.

The committee asked Jeremy to speak on the application. Jeremy outlined the stages of the inspections and what was completed. The building permit was issued for renovations only and once more than 50% of the dwelling was removed he put a stop work order on and informed the

contractor that they required a minor variance. He also outlined the increase in living space and that there was another storey.

There were further discussions regarding the application and Joe Gallivan provided further details on the dimensions of the footprint and what has been changed.

In light of the comments and recommendation put forth by the planner the committee decided to defer the application to allow the applicant to review their options further.

Resolution #68

Moved by Wayne Millar

Seconded by Tom Dewey

That Minor Variance Application A-4-14, Part Lot 9, Concession 2, – Lucie Marion (JC Potvin – agent) to reduce the front yard and water body setback from 30 m to 4.3 m be deferred to review further options.

Carried

The next minor variance application being heard A-13-14, Part Lot 12, Concession 9, – Chris Morrow to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 (e) (i) of Zoning By-law 2011-52) from 30 m to 23.5 m for the construction of an addition.

Cathy MacMunn provided an overview while Joe Gallivan presented the application. The committee approved the application with conditions.

Resolution #69

Moved by Wayne Millar

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-13-14, Part Lot 12, Concession 9, – Chris Morrow to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 (e) (i) of Zoning By-law 2011-52) from 30 m to 23.5 m for the construction of an addition be approved with the following conditions and reasons:

CONDITIONS:

That the size and location of the addition are as shown in the application, on the north west side of the existing cottage, approximately 23.5 metres from the high water mark of the inlet.

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.**

2. **The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront residential character and represents an improvement to the current building line which is further within the 30 metre setback requirements.**
3. **The application is desirable for the appropriate development of the lands in question because it is proportional to the existing cottage and is located away from adjacent buildings and the waterfront, and does not negatively impact sightlines from the Lake.**
4. **The application is minor because it will not have an adverse impact on the surrounding character.**

Carried

The next minor variance application being heard was A-14-14, Part Lot 19, Concession 3, – Elizabeth Murphy (Steve Murphy-agent) to reduce the front yard setback and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 17.37 m for the proposed dwelling and 30 m to 18.89 m from the swale for the septic system.

Cathy MacMunn provided an overview while Joe Gallivan presented the application. The committee approved the application with conditions.

Resolution #70

Moved by Phillip Smith

Seconded by Wayne Millar

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

That Minor Variance Application A-14-14, Part Lot 19, Concession 3, – Elizabeth Murphy (Steve Murphy-agent) to reduce the front yard setback and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 17.37 m for the proposed dwelling and 30 m to 18.89 m from the swale for the septic system be approved for the following conditions and reasons.

CONDITIONS:

1. **That the variance is based on the location of the single family dwelling and the “Option B” septic system as indicated in the submission by the applicant;**
2. **That the septic system be a tertiary system as classified under the Ontario Building Code.**
3. **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.**

- a. Any excavated materials as a result of the project will be disposed of well away from the water (creek and lake) and to the rear of the existing development.
- b. Erosion and site runoff controls shall be implemented to the satisfaction of the Chief Building Official for the duration of the work. Sediment controls (silt fence or straw bales) should be set in place, immediately downslope of the construction, prior to the project initiation. Sediment and erosion controls shall remain in place until the work is completed and the site is stable.
- c. Runoff should be collected from the roof of the new residence and directed to the rear of the lot (and away from the services) into leaching areas/pits to provide infiltration of surface runoff. Rain barrels may be an additional option given the site conditions.
- d. With the exception of a maximum 9 metre wide clearing for water access, lawn areas within 10 metres from the water shall be revegetated along the shoreline to native vegetation cover. Other existing shoreline vegetation shall be retained to a minimum depth of 15 metres.
- e. That the existing privy and cottage be demolished following completion of the proposed cottage and septic system

FOR THE FOLLOWING REASONS:

1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and appropriate mitigation measures will be put in place to protect Elbow Lake.
2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront character and it is the most ideal proposal for this specific property.
3. The application is desirable for the appropriate development of the lands in question because it allows for development of the land through the conversion of seasonal to permanent residence while minimizing any negative impacts on the surrounding water bodies.
4. The application is minor because it achieves the furthest possible setbacks and will not have an adverse impact on the surrounding character.

Carried

The next minor variance application being heard was A-15-14, Part Lot 20, Concession 9, – Thelma Mott to reduce the front yard and water body setback from 30 m to 7.7 m to allow for the conversion of an existing deck to a screened porch.

Cathy MacMunn provided an overview while Joe Gallivan presented the application. The committee approved the application with conditions.

Resolution #71

Moved by Wayne Millar

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-15-14, Part Lot 20, Concession 9, – Thelma Mott to reduce the front yard and water body setback from 30 m to 7.7 m to allow for the conversion of an existing deck to a screened porch be approved for the following conditions and reasons.

CONDITIONS:

1. That the screened in porch be located on the southwest corner of the existing cottage, approximately 7.7 metres from the high water mark.

FOR THE FOLLOWING REASONS:

1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.
2. The application conforms to the general intent and purpose of the Zoning By-law because it does not further encroach on the 30 metre setback requirements than the existing footprint.
3. The application is desirable for the appropriate development of the lands in question because it is proportional to the existing cottage and does not negatively impact the waterfront character.
4. The application is minor because it will not have an adverse impact on the character of the surrounding area.

Carried

No further planning business was brought forth.

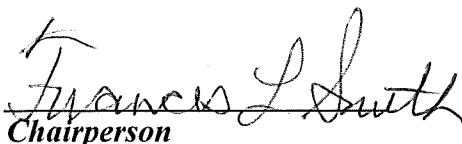
Resolution #72

Moved by Jeff Matson

Seconded by Phillip Smith

That this meeting be adjourned until 6:00 p.m. November 13, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

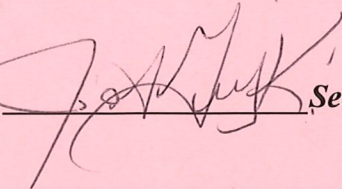
COMMITTEE OF ADJUSTMENT

Resolutions for October 8, 2014

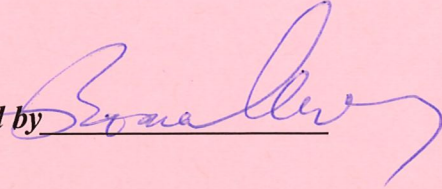
(Sharbot Lake – District 3 Fire Hall)

Resolution # 16

Moved by



Seconded by



THAT the agenda be adopted as

Presented _____

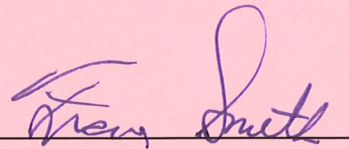
Amended

Carried

Deferred _____

Refused _____

Chairperson _____



Resolution #67

Moved by

[Signature]

Seconded by

[Signature]

THAT the minutes of August 14th and ~~September 18~~, 2014 be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson

[Signature]

Resolution # 68

Moved by

Seconded by

That Minor Variance Application A-4-14, Pt. Lt. 9, Conc. 2 Lucie Marion (JC Potvin agent) to reduce the front yard and water body setback from 30 m to 4.3 m be deferred. to ~~for~~ review ~~the report and~~ further options.

Carried

Deferred

Refused

Chairperson

Fran Sittel

Resolution # A

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-13-14, Part Lot 12, Concession 9, – Chris Morrow to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 (e) (i) of Zoning By-law 2011-52) from 30 m to 23.5 m for the construction of an addition be approved with the following conditions and reasons:

CONDITIONS:

That the size and location of the addition are as shown in the application, on the north west side of the existing cottage, approximately 23.5 metres from the high water mark of the inlet.

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront residential character and represents an improvement to the current building line which is further within the 30 metre setback requirements.**
- 3. The application is desirable for the appropriate development of the lands in question because it is proportional to the existing cottage and is located away from adjacent buildings and the waterfront, and does not negatively impact sightlines from the Lake.**
- 4. The application is minor because it will not have an adverse impact on the surrounding character.**

Carried ✓

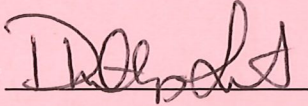
Deferred _____

Refused _____

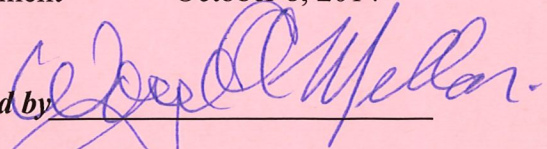
Chairperson [Signature]

Resolution #70

Moved by



Seconded by



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

That Minor Variance Application A-14-14, Part Lot 19, Concession 3, – Elizabeth Murphy (Steve Murphy-agent) to reduce the front yard setback and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 17.37 m for the proposed dwelling and 30 m to 18.89 m from the swale for the septic system be approved for the following conditions and reasons.

CONDITIONS:

1. That the variance is based on the location of the single family dwelling and the “Option B” septic system as indicated in the submission by the applicant;
2. That the septic system be a tertiary system as classified under the Ontario Building Code.
3. 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.
 - a. Any excavated materials as a result of the project will be disposed of well away from the water (creek and lake) and to the rear of the existing development.
 - b. Erosion and site runoff controls shall be implemented to the satisfaction of the Chief Building Official for the duration of the work. Sediment controls (silt fence or straw bales) should be set in place, immediately downslope of the construction, prior to the project initiation. Sediment and erosion controls shall remain in place until the work is completed and the site is stable.
 - c. Runoff should be collected from the roof of the new residence and directed to the rear of the lot (and away from the services) into leaching areas/pits to provide infiltration of surface runoff. Rain barrels may be an additional option given the site conditions.
 - d. With the exception of a maximum 9 metre wide clearing for water access, lawn areas within 10 metres from the water shall be revegetated along the

shoreline to native vegetation cover. Other existing shoreline vegetation shall be retained to a minimum depth of 15 metres.

- e. That the existing privy and cottage be demolished following completion of the proposed cottage and septic system

FOR THE FOLLOWING REASONS:

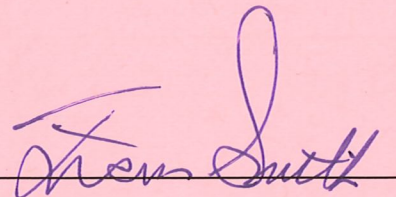
1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and appropriate mitigation measures will be put in place to protect Elbow Lake.
2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront character and it is the most ideal proposal for this specific property.
3. The application is desirable for the appropriate development of the lands in question because it allows for development of the land through the conversion of seasonal to permanent residence while minimizing any negative impacts on the surrounding water bodies.
4. The application is minor because it achieves the furthest possible setbacks and will not have an adverse impact on the surrounding character.

Carried ✓

Deferred _____

Refused _____

Chairperson _____



Resolution # 71

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-15-14, Part Lot 20, Concession 9, – Thelma Mott to reduce the front yard and water body setback from 30 m to 7.7 m to allow for the conversion of an existing deck to a screened porch be approved for the following conditions and reasons.

CONDITIONS:

- 1. That the screened in porch be located on the southwest corner of the existing cottage, approximately 7.7 metres from the high water mark.

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it does not further encroach on the 30 metre setback requirements than the existing footprint.
- 3. The application is desirable for the appropriate development of the lands in question because it is proportional to the existing cottage and does not negatively impact the waterfront character.
- 4. The application is minor because it will not have an adverse impact on the character of the surrounding area.

Carried

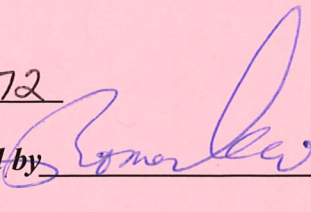
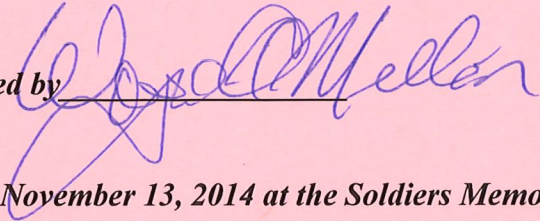
Deferred

Refused

Chairperson

[Signature]

Resolution # 72

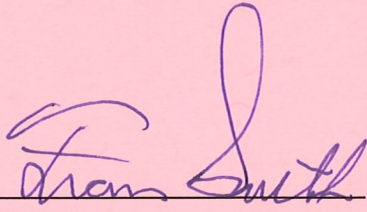
Moved by  Seconded by 

That this meeting be adjourned until 6:00 p.m. November 13, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried 

Deferred _____

Refused _____

Chairperson 



THURSDAY SEPTEMBER 18, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order by (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meetings –August 14, 2014
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - ✓ B-05-14-HI – Liscobrike Ltd. – Easement
 - ✓ B-10-14-HI – Brian Rose – creation of a new lot (to be deferred)
 - ✓ B-11-14-KE – Gertrude Pollock – lot addition
 - ✓ B-12-14-HI – Douglas & Michele Cummings – lot addition (to be deferred)
- 7) Applications for minor variance:
 - ✓ A-8-14 – Michael Tarasick – reduction from the high water mark (deferred from August meeting)
 - ✓ A-9-14 – Steven Smith – reduction from front yard and water body setback (~~to be~~ ~~deferred~~)
 - ✓ A-10-14 – Lars Thompson – reduction from front yard and water body setback (~~to be~~ ~~deferred~~)
 - ✓ A-11-14 – Ciaran Cronin/Devon Thompson – reduction from water body (to be deferred)
 - ✓ A-12-14 – Mark Strangways/
Pollock – reduction from front yard and water body setback
 - ✓ A-13-14 – Chris Morrow – reduction from front yard and water body setback
 - ✓ A-14-14 – Elizabeth Murphy – reduction from front yard and water body setback
 - ✓ A-15-14 – Thelma Mott – reduction from front yard and water body setback

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

Carried

The next consent application being heard was B-10-14-HI, Pt. Lot 15, Concession 3, Brian Rose. Cathy MacMunn Secretary Treasurer gave an overview of the application and explained that a letter had been received by the neighbor Mr. Crawford who has concerns with the proposed lot line. Mr. Crawford believes that the gate, driveway and culvert is on his property while Mr. Rose believes it is his property.

Therefore, the committee deferred the application to allow the applicant the opportunity to confirm the location of the lot line and then bring it back to the committee.

Resolution #54

Moved by Jeff Matson

Seconded by Wayne Millar

That Severance Application B-10-14-HI, Pt. Lot 15, Conc. 3, Brian Rose be deferred to allow for confirmation on the location of the lot line between Rose and Crawford.

Carried

The next consent application being heard was B-11-14-KE, Pt. Lot 17, Concession 3, Gertrude Pollock. Cathy MacMunn Secretary Treasurer gave an overview of the application while Peter Young provided further details including a recommendation to the committee.

Resolution #55

Moved by Wayne Millar

Seconded by Jeff Matson

That Severance Application B-11-14-KE, Part Lot 17, Conc. 3, Gertrude Pollock 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 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:

 - a. *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*
 - b. *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.*
8. *That a minor variance be obtained to take into account the reduced lot area and shoreline frontage.*

Carried

The next consent application being heard was B-12-14-HI, Pt. Lot 26, Concession 3, Douglas & Michele Cummings. Cathy MacMunn Secretary Treasurer explained that this application is a water access only property and that the staff, planner and the Rideau Valley Conservation Authority were unable to conduct their site visit in time for this meeting and are requesting a deferral.

Therefore, the committee deferred the application to allow the staff, planner and Rideau Valley Conservation Authority to conduct the necessary site visit.

Resolution #56

Moved by Phillip Smith

Seconded by Jeff Matson

That Severance Application B-12-14-HI, Pt. Lot 26, Conc. 3, Douglas & Michele Cummings be deferred to allow for the staff, planner and Rideau Valley Conservation Authority to conduct the necessary site visit on a property that is water access only.

Carried

The next consent application being heard was Minor Variance A-12-14, Pt. Lot 17, Concession 3, Mark Strangways to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52), from 30 m to 15 m for the construction of a kitchen and covered porch on the east side of the existing dwelling.

Cathy MacMunn Secretary Treasurer gave an overview of the application while Peter Young provided further details including a recommendation to the committee.

Resolution #57

Moved by Phillip Smith

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-12-14, Part Lot 17, Concession 3, – Mark Strangways to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 15 m for the construction of a kitchen and covered porch on the east side of the existing dwelling be approved with the following conditions and reasons:

CONDITIONS:

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.

- (i) Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.**
- (ii) Excavated material shall be disposed of well away from the lake.**
- (iii) Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- (iv) 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.**
- (v) With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.**

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it does not have a negative impact on waterfront character, servicing, or development potential of the lots.**
- 3. The application is desirable for the appropriate development of the lands in question because it facilitates proper division of the lot based on the terrain and the proposed and existing buildings components.**
- 4. The application is minor because will not have an adverse impact on the surrounding character.**

Carried

The next application being heard was minor variance application A-8-14, Part Lot 10, Concession 2, – Michael Tarasick reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 19.81 m for the construction of a garage.

Cathy MacMunn, Secretary Treasurer reviewed the application briefly with the committee and explained that this application was previously deferred. The committee approved the application with conditions.

Resolution #58

Moved by Wayne Millar

Seconded by Phillip Smith

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

That Minor Variance Application A-8-14, Part Lot 10, Concession 2, – Michael Tarasick reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 19.81 m for the construction of a garage be approved with the following conditions and reasons:

CONDITIONS:

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.

- (i) **Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.**
- (ii) **Excavated material shall be disposed of well away from the lake.**
- (iii) **Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- (iv) **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.**
- (v) **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.**

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and is secondary in nature to the primary dwelling.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront residential character and is further back than the existing dwelling.**
- 3. The application is desirable for the appropriate development of the lands in question because it allows for a detached garage to be built on the property.**
- 4. The application is minor because it will not have an adverse impact on the surrounding character.**

Carried

The next application being heard was Minor Variance Application A-9-14, Part Lot 12, Concession 10, – Steven Smith to reduce the front yard setback and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 15 m to allow for a sun room and deck to be built on the east side of the existing dwelling.

Cathy MacMunn Secretary Treasurer gave an overview of the application while Peter Young provided further details including a recommendation to the committee.

Resolution #59

Moved by Phillip Smith

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-9-14, Part Lot 12, Concession 10, – Steven Smith to reduce the front yard setback and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 15 m to allow for a sun room and deck to be built on the east side of the existing dwelling be approved with the following conditions and reasons.

CONDITIONS:

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.

- (i) Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.**
- (ii) Excavated material shall be disposed of well away from the lake.**
- (iii) Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- (iv) 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.**
- (v) With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Big Clear Lake.**

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront character and is located adjacent to the existing dwelling and not close to the water than the existing building.**

3. **The application is desirable for the appropriate development of the lands in question because it allows for deck expansion without a further impact toward the water.**
4. **The application is minor because it represents a small increase in footprint and will not have an adverse impact on the surrounding character.**

Carried

Minor Variance Application A-10-14, Part Lot 30, Concession 2, – Lars Thompson to reduce the front yard and water body setback from 30 m to 18.28 m for the construction of a dwelling on an existing lot of record was introduced to the committee.

Comments have not been received from Rideau Valley Conservation Authority therefore Cathy is suggesting that this application be deferred until the comments have been received. The committee deferred the application.

Resolution #60

Moved by Wayne Millar

Seconded by Phillip Smith

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

That Minor Variance Application A-10-14, Part Lot 30, Concession 2, – Lars Thompson to reduce the front yard and water body setback from 30 m to 18.28 m for the construction of a dwelling on an existing lot of record be deferred to allow for comments to be received from Rideau Valley Conservation Authority.

Carried

Minor Variance Application A-11-14, Part Lot 30, Concession 2, – Ciaran Cronin and Devon Thompson to reduce the water body setback from 30 m to 15 m and 30 m to 19.2 m respectively to allow for a new seasonal dwelling to be built on an island was introduced.

Comments have not been received from Rideau Valley Conservation Authority or KFL&A Public Health and therefore Cathy is suggesting that this application be deferred until they have been received.

Resolution #61

Moved by Jeff Matson

Seconded by Phillip Smith

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

That Minor Variance Application A-11-14, Part Lot 30, Concession 2, – Ciaran Cronin and Devon Thompson to reduce the water body setback from 30 m to 15 m and 30 m to 19.2 m respectively to allow for a new seasonal dwelling to be built on an island be deferred to allow for comments to be received from KFL&A Public Health and Rideau Valley Conservation Authority and to conduct a the necessary site visit on a property that is water access only.

Carried

Minor Variance Application A-13-14, Part Lot 12, Concession 9, – Chris Morrow to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) for the construction of an addition on the west side of the dwelling from 30 m to 23.5 was introduced.

Comments have not been received from Quinte Conservation Authority and therefore Cathy is suggesting that this application be deferred until they have been received.

Resolution #62

Moved by Jeff Matson

Seconded by Phillip Smith

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

That Minor Variance Application A-13-14, Part Lot 12, Concession 9, – Chris Morrow to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) for the construction of an addition on the west side of the dwelling from 30 m to 23.5 be deferred to allow for comments to be received from Quinte Conservation Authority.

Carried

The next application being heard was Minor Variance Application A-14-14, Part Lot 19, Concession 3, – Elizabeth Murphy (Steve Murphy – agent) to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) for the construction of a new dwelling from 30 m to 17.37 m; from 30 m to 16.46 m to the swale and 30 m to 24.38 m for the septic system was introduced.

Cathy MacMunn Secretary Treasurer mentioned that since comments from Rideau Valley Conservation Authority and KFL&A Public Health have not been received that this application be deferred.

Resolution #63

Moved by Phillip Smith

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-14-14, Part Lot 19, Concession 3, – Elizabeth Murphy (Steve Murphy – agent) to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) for the construction of a new dwelling from 30 m to 17.37 m; from 30 m to 16.46 m to the swale and 30 m to 24.38 m for the septic system be deferred to allow for comments to be received from Rideau Valley Conservation Authority and KFL&A Public Health.

Carried

The final application being heard was Minor Variance Application A-15-14, Part Lot 20, Concession 9, – Thelma Mott to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) to convert an existing deck to a screened porch from 30 m to 7.7 m was introduced.

Cathy MacMunn Secretary Treasurer mentioned that since comments from Quinte Conservation Authority have not been received that this application be deferred.

Resolution #64

Moved by Jeff Matson

Seconded by Phillip Smith

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

That Minor Variance Application A-15-14, Part Lot 20, Concession 9, – Thelma Mott to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) to convert an existing deck to a screened porch from 30 m to 7.7 m be deferred to allow for comments to be received from Quinte Conservation Authority.

Carried

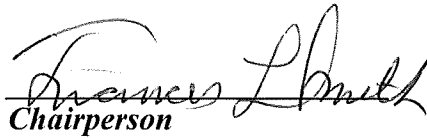
Resolution #65

Moved by Phillip Smith

Seconded by Jeff Matson

That this meeting be adjourned until 6:00 p.m. October 8, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for September 18, 2014

(Sharbot Lake)

Resolution # 52

Moved by

Seconded by

THAT the agenda be adopted as

Presented

Amended

Carried

Deferred

Refused

Chairperson

Resolution #53

Moved by

[Handwritten signature]

Seconded by

[Handwritten signature]

That Severance Application B-05-14-HI, Part of Lots 30 & 31, Conc. 1, Liscobrike Ltd. 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 easement 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 confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

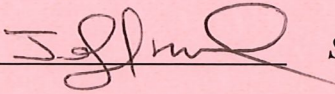
Deferred

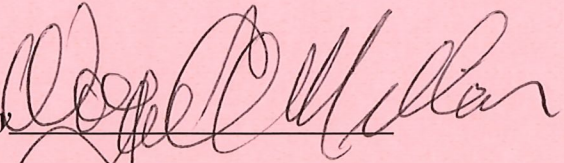
Refused

Chairperson

[Handwritten signature]

Resolution # 54

Moved by 

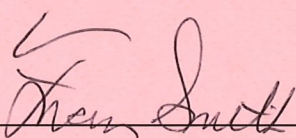
Seconded by 

That Severance Application B-10-14-HI, Pt. Lot 15, Conc. 3, Brian Rose be deferred to allow for confirmation on the location of the lot line between Rose and Crawford.

Carried

Deferred

Refused

Chairperson 

Resolution # ⁵⁵
Moved by [Signature] Seconded by [Signature]

That Severance Application B-11-14-KE, Part Lot 17, Conc. 3, Gertrude Pollock 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 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:
 - a. 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
 - b. 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.

8. That a minor variance be obtained to take into account the reduced lot area and shoreline frontage.

Carried

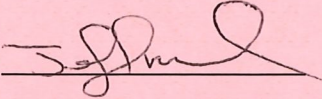
Deferred

Refused

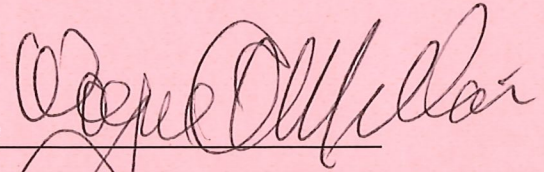
Chairperson [Signature]

Resolution # 56

Moved by



Seconded by



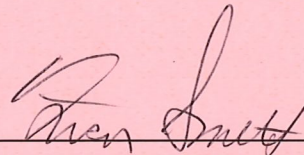
That Severance Application B-12-14-HI, Pt. Lot 26, Conc. 3, Douglas & Michele Cummings be deferred to allow for the staff, planner and Rideau Valley Conservation Authority to conduct the necessary site visit on a property that is water access only.

Carried

Deferred

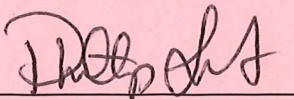
Refused

Chairperson

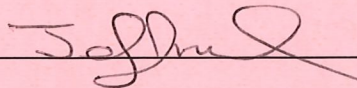


Resolution # 57

Moved by



Seconded by



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

That Minor Variance Application A-12-14, Part Lot 17, Concession 3, – Mark Strangways to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 15 m for the construction of a kitchen and covered porch on the east side of the existing dwelling be approved with the following conditions and reasons:

CONDITIONS:

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.

- (i) **Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.**
- (ii) **Excavated material shall be disposed of well away from the lake.**
- (iii) **Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- (iv) **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.**
- (v) **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.**

FOR THE FOLLOWING REASONS:

1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.

2. The application conforms to the general intent and purpose of the Zoning By-law because it does not have a negative impact on waterfront character, servicing, or development potential of the lots.

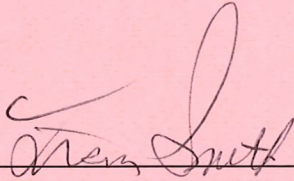
3. The application is desirable for the appropriate development of the lands in question because it facilitates proper division of the lot based on the terrain and the proposed and existing buildings components.

4. The application is minor because will not have an adverse impact on the surrounding character.

Carried _____

Deferred _____

Refused _____

Chairperson _____


Resolution # 58

Moved by

Seconded by

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

That Minor Variance Application A-8-14, Part Lot 10, Concession 2, – Michael Tarasick reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 19.81 m for the construction of a garage be approved with the following conditions and reasons:

CONDITIONS:

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.

- (i) Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.**
- (ii) Excavated material shall be disposed of well away from the lake.**
- (iii) Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- (iv) 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.**
- (v) With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.**

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and is secondary in nature to the primary dwelling.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront residential character and is further back than the existing dwelling.**
- 3. The application is desirable for the appropriate development of the lands in question because it allows for a detached garage to be built on the property.**
- 4. The application is minor because it will not have an adverse impact on the surrounding character.**

Carried ✓

Deferred _____

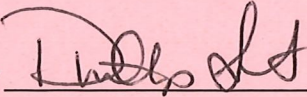
Refused _____

Chairperson _____

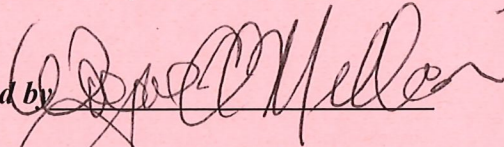
Ken Smith

Resolution #59

Moved by



Seconded by



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

That Minor Variance Application A-9-14, Part Lot 12, Concession 10, – Steven Smith to reduce the front yard setback and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 15 m to allow for a sun room and deck to be built on the east side of the existing dwelling be approved with the following conditions and reasons.

CONDITIONS:

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.

- (i) **Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place until all disturbed areas have been stabilized and re-vegetated.**
- (ii) **Excavated material shall be disposed of well away from the lake.**
- (iii) **Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- (iv) **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.**
- (v) **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Big Clear Lake.**

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront character and is located adjacent to the existing dwelling and not close to the water than the existing building.**
- 3. The application is desirable for the appropriate development of the lands in question because it allows for deck expansion without a further impact toward the water.**
- 4. The application is minor because it represents a small increase in footprint and will not have an adverse impact on the surrounding character.**

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Tom Sutt

Resolution # 60
Moved by [Signature] Seconded by [Signature]

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

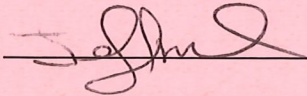
That Minor Variance Application A-10-14, Part Lot 30, Concession 2, – Lars Thompson to reduce the front yard and water body setback from 30 m to 18.28 m for the construction of a dwelling on an existing lot of record be deferred to allow for comments to be received from Rideau Valley Conservation Authority.

Carried ✓
Deferred _____
Refused _____

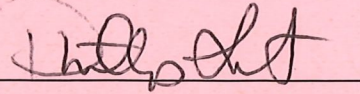
Chairperson [Signature]

Resolution # 61

Moved by



Seconded by



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

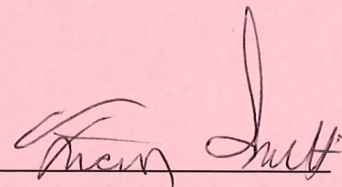
That Minor Variance Application A-11-14, Part Lot 30, Concession 2, – Ciaran Cronin and Devon Thompson to reduce the water body setback from 30 m to 15 m and 30 m to 19.2 m respectively to allow for a new seasonal dwelling to be built on an island be deferred to allow for comments to be received from KFL&A Public Health and Rideau Valley Conservation Authority and to conduct a the necessary site visit on a property that is water access only.

Carried

Deferred

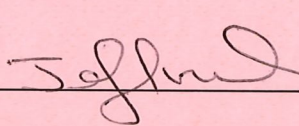
Refused

Chairperson

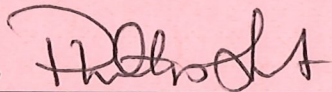


Resolution # 62

Moved by



Seconded by



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

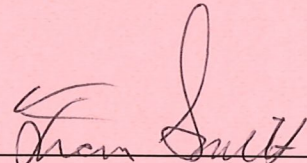
That Minor Variance Application A-13-14, Part Lot 12, Concession 9, – Chris Morrow to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) for the construction of an addition on the west side of the dwelling from 30 m to 23.5 be deferred to allow for comments to be received from Quinte Conservation Authority.

Carried

Deferred

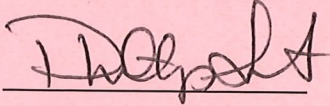
Refused

Chairperson

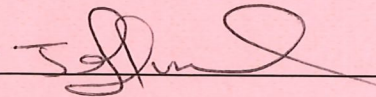


Resolution #63

Moved by



Seconded by



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

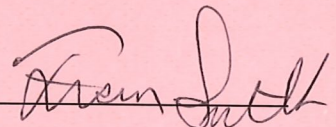
That Minor Variance Application A-14-14, Part Lot 19, Concession 3, – Elizabeth Murphy (Steve Murphy – agent) to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) for the construction of a new dwelling from 30 m to 17.37 m; from 30 m to 16.46 m to the swale and 30 m to 24.38 m for the septic system be deferred to allow for comments to be received from Rideau Valley Conservation Authority and KFL&A Public Health.

Carried

Deferred

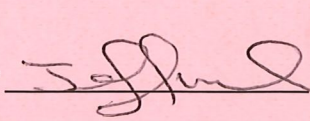
Refused

Chairperson

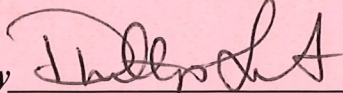


Resolution #64

Moved by



Seconded by



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

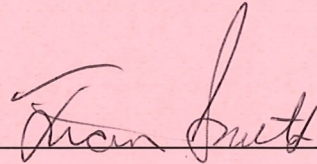
That Minor Variance Application A-15-14, Part Lot 20, Concession 9, – Thelma Mott to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) to convert an existing deck to a screened porch from 30 m to 7.7 m be deferred to allow for comments to be received from Quinte Conservation Authority.

Carried

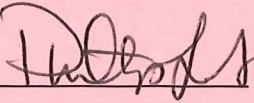
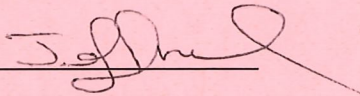
Deferred

Refused

Chairperson



Resolution # 65

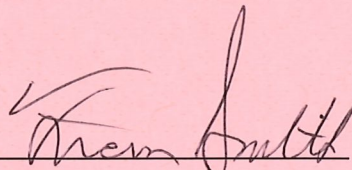
Moved by  Seconded by 

That this meeting be adjourned until 6:00 p.m. October 8, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Deferred

Refused

Chairperson 



THURSDAY AUGUST 14, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order by (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meetings – July 10, 2014
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - ✓ B-09-14-KE – Gwenyth Burley – lot addition (deferred at the July meeting)
- 7) Applications for minor variance:
 - ✓ A-4-14 – Lucie Marion/JC Potvin – reduction from the high water mark
(deferred at the July meeting)
 - ✓ A-5-14 – Gwenyth Burley- reduction in lot area (deferred at the July meeting)
 - ✓ A-6-14- Carol Weir – reduction from the high water mark
 - ✓ A-8-14 – Michael Tarasick – reduction from the high water mark
- 8) Other planning business – *OMB (spinks)*
- 9) Adjournment

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

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

 - a. *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*
 - b. *In the case of a previously severed parcel, the Transferee shall enter into a Restrictive Covenant Agreement with the municipality in a form satisfactory to it that shall be registered against title to the two parcels immediately after registration of the stamped deed that will prohibit the two parcels from being conveyed or transferred independently of each other.*
7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality’s satisfaction.*

Carried

The next application being heard was minor variance application A-4-14, Part Lot 9, Concession 2, – Lucie Marion/JC Potvin to reduce the front yard setback and water body setback from 30 m to 4.3 m (as required by Sections 4.24 (e) (i) and 5.6.2 of the Zoning By-law 2011-52) to permit a dwelling to be reconstructed on the same footprint.

Cathy MacMunn, Secretary Treasurer went through the application and read the comments from Mississippi Conservation Authority and Joe Gallivan presented the application along with recommendations.

Mr. & Mrs. Potvin spoke on their application and mentioned that they were not aware of the fact that if they took down more than 50% of the building that it would be considered new construction. They indicated that it is on the same footprint and that the renovation is no larger than the existing dwelling. They also mentioned that they received approval for the foundation by the Building Inspector.

The committee asked Jeremy to speak on the application. Jeremy outlined the stages of the inspections and what was completed. The building permit was issued for renovations only and once more than 50% of the dwelling was removed he put a stop work order on and informed the contractor that they required a minor variance. He also outlined the increase in living space and that there was another storey.

There were further discussions regarding the application and Joe Gallivan provided further details on the dimensions of the footprint and what has been changed.

In light of the comments and recommendation put forth by the planner the committee decided to defer the application to allow the applicant to review their options further.

Resolution #47

Moved by Wayne Millar

Seconded by John Purdon

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

That Minor Variance Application A-4-14, Part Lot 9, Concession 2, – Lucie Marion/JC Potvin to reduce the front yard setback and water body setback from 30 m to 4.3 m (as required by Sections 4.24 (e) (i) and 5.6.2 of the Zoning By-law 2011-52) to permit a dwelling to be reconstructed on the same footprint be deferred to allow the applicant to review their options in light of the comments and recommendations put forth by the planner.

Carried

The next application being heard was minor variance application A-5-14, Part Lot 8, Concession 5, – Gwenyth Burley to reduce the lot area from 0.5606 ha to 0.5207 ha (as required by Section 5.6.2 of Zoning By-law 2011-52).

Cathy MacMunn, Secretary Treasurer reviewed the application briefly with the committee while Joe Gallivan spoke on the planning merits of the application and provided recommendations.

Resolution #48

Moved by Phillip Smith

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-5-14, Part Lot 8, Concession 5, – Gwenyth Burley to reduce the lot area from 0.5606 ha to 0.5207 ha (as required by Section 5.6.2 of Zoning By-law 2011-52) be approved for the following reasons:

REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it does not have a negative impact on waterfront character, servicing, or development potential of the lots.**
- 3. The application is desirable for the appropriate development of the lands in question because it facilitates proper division of the lot based on the terrain and existing buildings.**
- 4. The application is minor because will not have an adverse impact on the surrounding character.**

Carried.

The next minor variance application being heard is A-6-14, Part Lot 8, Concession 10, – Carol Weir to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 (e) of Zoning By-law 2011-52) to permit for an expanded deck from 30 m to 6.70 m.

Cathy MacMunn, Secretary Treasurer reviewed the application briefly with the committee while Joe Gallivan spoke on the planning merits of the application and provided recommendations.

Carol Weir spoke on her application and indicated to the committee that the new deck is not any closer to the water than the original stairs.

Jeremy Neven CBO mentioned that the deck had been built without a permit.

There were further discussions regarding the application and Joe Gallivan provided further details on the deck what was changed.

In light of the comments and recommendation put forth by the planner the committee decided to defer the application to allow the applicant to review her options further.

Resolution #49

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-6-14, Part Lot 8, Concession 10, – Carol Weir to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 (e) of Zoning By-law 2011-52) to permit for an expanded deck from 30 m to 6.70 m be deferred to allow the applicant to review their options in light of the comments and recommendations put forth by the planner.

Carried

The last minor variance application being heard is A-8-14, Part Lot 10, Concession 2, – Michael Tarasick reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 19.81 m for the construction of a garage.

Cathy MacMunn, Secretary Treasurer provided an overview of the application and mentioned that the size of the proposed garage is 840 sq. feet which exceeds the lot coverage of 2% in the Waterfront Residential Zone. The applicant was not present and therefore the committee deferred the application to receive confirmation from the owner as to how he would like to proceed by either decreasing the size of the garage or amend the minor variance to include lot coverage.

Resolution #50

Moved by Phillip Smith

Seconded by Jeff Matson

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

That Minor Variance Application A-8-14, Part Lot 10, Concession 2, – Michael Tarasick reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 19.81 m for the construction of a garage be approved with the following conditions and reasons:

CONDITIONS:

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.

- (i) 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.
- (ii) Excavated material shall be disposed of well away from the lake.
- (iii) Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
- (iv) 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.
- (v) With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.

FOR THE FOLLOWING REASONS:

1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and is secondary in nature to the primary dwelling.
2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront residential character and is further back than the existing dwelling.
3. The application is desirable for the appropriate development of the lands in question because it allows for a detached garage to be built on the property.
4. The application is minor because it will not have an adverse impact on the surrounding character.

Deferred

No further planning business was brought forth.

Resolution #51

Moved by Jeff Matson

Seconded by Phillip Smith

That this meeting be adjourned until 6:00 p.m. September 25, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried


Chairperson


Secretary-Treasurer

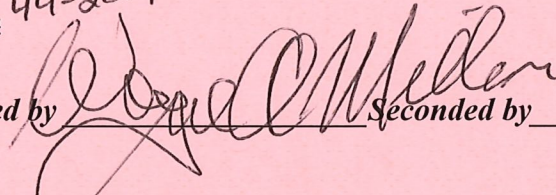
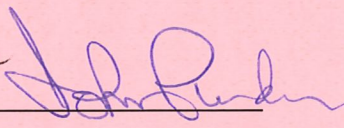
Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for August 14, 2014

(Sharbot Lake)

Resolution # 44-2014

Moved by  Seconded by 

THAT the agenda be adopted as

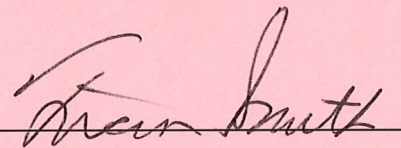
Presented _____

Amended ✓

Carried ✓

Deferred _____

Refused _____

Chairperson 

Resolution # 45

Moved by John Smith Seconded by Walter Miller

THAT the minutes of July 10, 2014 be adopted as

Presented _____

Amended ✓

Carried ✓

Deferred _____

Refused _____

Chairperson John Smith

Resolution # ¹⁶

Moved by

Seconded by

Wesley Miller *Bonnie Lewis*
That Severance Application B-09-14-KE, Part Lot 8, Conc. 5, Gwentyh Burley 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:
 - a) 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.
 - b) That if the land herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.
6. In accordance with section 50(12) of the Planning Act, the deed shall state that subsection 50(3) or subsection 50(5) of the Planning Act, as applicable, shall apply to any subsequent conveyance or transaction involving these lands.

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

 - a. 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
 - b. 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 ✓

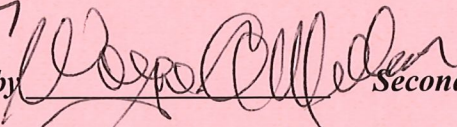
Deferred _____

Refused _____

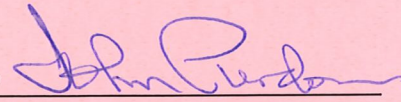
Chairperson Ken Smith

Resolution # ⁴⁷

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.

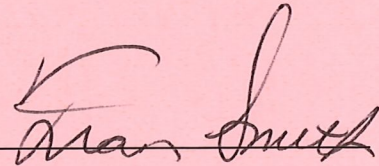
That Minor Variance Application A-4-14, Part Lot 9, Concession 2, – Lucie Marion/JC Potvin to reduce the front yard setback and water body setback from 30 m to 4.3 m (as required by Sections 4.24 (e) (i) and 5.6.2 of the Zoning By-law 2011-52) to permit a dwelling to be reconstructed on the same footprint be deferred to allow the applicant to review their options in light of the comments and recommendations put forth by the planner.

Carried

Deferred

Refused

Chairperson



Resolution # 48
Moved by [Signature] Seconded by [Signature]

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

That Minor Variance Application A-5-14, Part Lot 8, Concession 5, – Gwenth Burley to reduce the lot area from 0.5606 ha to 0.5207 ha (as required by Section 5.6.2 of Zoning By-law 2011-52) be approved for the following reasons:

REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it does not have a negative impact on waterfront character, servicing, or development potential of the lots.**
- 3. The application is desirable for the appropriate development of the lands in question because it facilitates proper division of the lot based on the terrain and existing buildings.**
- 4. The application is minor because will not have an adverse impact on the surrounding character.**

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 49

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-6-14, Part Lot 8, Concession 10, – Carol Weir to reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 (e) of Zoning By-law 2011-52) to permit for an expanded deck from 30 m to 6.70 m be deferred to allow the applicant to review their options in light of the comments and recommendations put forth by the planner.

Carried

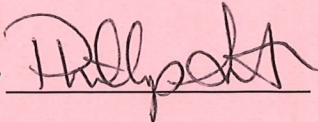
Deferred

Refused

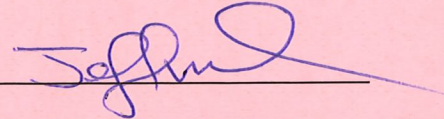
Chairperson

Resolution #50

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-8-14, Part Lot 10, Concession 2, – Michael Tarasick reduce the front yard and water body setback (as required by Section 5.6.2 and 4.23 e) of Zoning By-law 2011-52) from 30 m to 19.81 m for the construction of a garage be approved with the following conditions and reasons:

CONDITIONS:

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.

- (i) **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.**
- (ii) **Excavated material shall be disposed of well away from the lake.**
- (iii) **Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.**
- (iv) **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.**
- (v) **With the exception of a maximum 9 metre wide clearing for water access, the existing shoreline vegetation shall be retained to a minimum depth of 15 m. This is particularly important given the downward slope to the lake. This effort will assist in mitigating the effects of erosion and surface runoff on Sharbot Lake.**

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and is secondary in nature to the primary dwelling.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law**

because it is in keeping with the waterfront residential character and is further back than the existing dwelling.

3. The application is desirable for the appropriate development of the lands in question because it allows for a detached garage to be built on the property.
4. The application is minor because it will not have an adverse impact on the surrounding character.

Carried _____

Deferred _____

Refused _____

Chairperson *Alan Smith*

Resolution # 51

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. September ²⁵~~18~~, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]



THURSDAY JULY 10, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order by (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meetings –June 19, 2014
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - ✓ B-04-14-OS – Catherine Welch (Kathy Martin) – creation of a new lot
 - ✓ B-06-14-HI – Dustin Peters (resubmission) – creation of a new lot
 - ✓ B-07-14-HI – Dustin Peters (resubmission) – creation of a new lot
 - ✓ B-08-14-HI – Doug Brown (resubmission) – creation of a new lot
 - ✓ B-09-14-KE – Gwenyth Burley – lot addition (to be deferred until August meeting)
- 7) Applications for minor variance:
 - ✓ A-21-13 – Spinks/Furlong – reduction from the high water mark (deferred previously)
 - ✓ A-04-14 – Lucie Marion/JC Potvin – reduction from the high water mark
(to be deferred until August meeting)
 - ✓ A-05-14 – Gwenyth Burley- reduction in lot area (to be deferred until August meeting)
 - ✓ A-07-14- Margo Arseneau – increase in maximum lot coverage for a garage
- 8) Other planning business
- 9) Adjournment

Resolution #32

Moved by Wayne Millar

Seconded by John Purdon

That Severance Application B-04-14-OS, Lots 1 & 2, Conc. 4, Catherine Welch 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:***
 - i) 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.***
 - ii) That if the land herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.***
- 6. That the owner shall provide confirmation that the severed and retained parcels have legal access from Hagan Road through Lot 2, Concession 4 (1062A Hagan Road) along the existing travelled right-of-way east of Mann's Lane (described as Part 2 on 13R-17607 and Part 4 on 13R-5228), to the satisfaction of the Township.***
- 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 that wherein the owner will agree to, without limitation:***
 - a) implement mitigation measures identified by the Rideau Valley Conservation Authority in wording satisfactory to the Township***
 - b) provide notice on title that the right-of-way must be maintained to an acceptable standard for emergency vehicles, and that the municipality is not responsible for maintenance or responsible for any personal or property damage, in wording to the satisfaction of the Township.***
 - c) Confirm that the private lane known as Mann's Lane will no longer be used for access for the severed lot and that all access to the lot will be from the existing east right-of-way to Hagan Road (described as Part 2 on 13R-17607 and Part 4 on 13R-5228)***

8. *That the applicant(s) must ensure that a civic address is applied for through the Public Works Department which reflects the revised lot configuration and access through Hagan Road.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

The next applications being heard were B-06-14-HI, B-07-14-HI and B-08-14-HI in the name of Dustin Peters and Doug Brown.

Cathy MacMunn, Secretary Treasurer provided an overview of the application and informed the committee that these applications came before the committee two years ago and since the process was not completed within the one year time frame they lapsed and therefore the applicants had to start the process all over again. Cathy further mentioned that nothing had changed with the applications and the recommendations are the same. Peter Young, Planner also reviewed the previous reports and confirmed that they are consistent with the new Provincial Policy Statements.

Committee member John Purdon asked about the one condition regarding the need to enter into a development agreement to maintain the septic system as the condition does not appear on the new recommendations. Cathy mentioned that he is correct and now that the Ontario Building Code deals with the maintenance of the septic system there is no longer a need to require the applicants to enter into an agreement to cover this condition. The committee approved the applications with conditions.

Resolution #33

Moved by Tom Dewey

Seconded by Wayne Millar

That Severance Application B-06-14-HI, Pt. Lot 25, Conc. 7, Dustin Peters 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*

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

Carried

Resolution #34

Moved by Wayne Millar

Seconded by Tom Dewey

That Severance Application B-07-14-HI, Pt. Lot 25, Conc. 7, Dustin Peters 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

Resolution #35

Moved by Tom Dewey

Seconded by Wayne Millar

That Severance Application B-08-14-HI, Pt. Lot 25, Conc. 6, Doug Brown be approved subject to the following conditions:

1. *That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 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. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

The next application being heard is B-09-14-KE, Pt. Lot 8, Conc. 5, Gwenyth Burley.

Cathy MacMunn, Secretary Treasurer mentioned that this application is being deferred on the request of the KFL&A Public Health to allow them the opportunity to conduct their site visit.

Resolution #36

Moved by Phillip Smith

Seconded by Jeff Matson

That Severance Application B-09-14-KE, Pt. Lot 8, Conc. 5, Gwenyth Burley be deferred on the request of the KFL&A Public Health to allow them the opportunity to conduct their site visit.

Carried

The next application being heard was minor variance application A-21-13, Pt. Lot 7, Conc. 11, Jim Spinks c/o Cheryl Furlong to reduce the front yard setback and water body setback from 30 m to 11.6 m (as required by Sections 4.24 (e) (i) and 5.6.2 of By-law 2011-52 of the Zoning By-law) to permit an addition to the side of an existing cottage be approved with the following conditions and reasons.

Cathy MacMunn, Secretary Treasurer went through the application with the committee and explained that staff along with our planning consultant Glenn Tunnock met with the applicant and their agent Kim Leonard back in 2013 to review their application and provide guidance before it came in front of the committee. There were a number of sketches and email messages back and forth with the applicant, planner, staff and Quinte Conservation Authority to come up with an acceptable solution to achieve what they are requesting.

Kim Leonard, who is acting as the agent for Jim Spinks and Cheryl Furlong appeared before the committee as Cathy reviewed the application. Kim mentioned to the committee that the addition is located on the side and not the rear of the cottage. This was noted and the change was made. The other question Kim asked was with regards to stairs and Cathy mentioned that steps are permitted to encroach into any yard as per the Zoning By-law.

The committee approved the application with conditions.

Resolution #37

Moved by Wayne Millar

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 front yard setback and water body setback from 30 m to 11.6 m (as required by Sections 4.24 (e) (i) and 5.6.2 of By-law 2011-52 of the Zoning By-law) to permit an addition to the rear of an existing cottage 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. To provide for the restoration of the shoreline through the implementation of a revegetation/landscaping plan that covers an area equivalent to the size of the cottage extension (32.5 sq. metres) and is focused on the area between the extension and the lake such that water run-off from the cottage is controlled.*
- 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 from the roof be directed to a soak-away pit or in a direction away from the lake.*
- 5. That there will be no further decks permitted adjacent to the proposed extension.*

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 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.”

Also, the intent of the official plan is to allow for the development of waterfront properties that provide a residential living environment. The extension of an existing

cottage to provide a second bedroom is a reasonable improvement to the property; however, to compensate for the increased impact on the ecological values of the Ribbon-of-Life, re-naturalization of the shoreline is essential through a revegetation program. The first test will be met through the implementation of the replanting program where the area of the revegetation equals or exceeds the area of the extension since the extension is located entirely within the 30 m setback. The revegetated area must equal or exceed 32.5 m².

2. General intent and purpose of the zoning by-law is comparable to the official plan, 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 cottage extension, the applicant should be required to enter into a site plan agreement to provide for the revegetation program is undertaken. To minimize the impacts of the extension it should be noted that a deck is not included in this application and must not be constructed adjacent to the extension as it would contravene the zoning by-law. The application will meet the second test if the measures for naturalization are undertaken through the requirements for a development agreement.

3. The impact of this development can only be mitigated in meeting the test of minor if the applicant complies with the requirement to restore the ecological function of the Ribbon-of-Life through a development agreement then the third test will be met.

4. Is the building or structure desirable for the appropriate development or use of land? The provision of larger cottage with two bedrooms vs. one bedroom 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

The next minor variance application being heard is A-04-14, Part Lot 9, Concession 2, Lucie Marion to reduce the front yard and water body setback from 30 m to 4.3 m for the dwelling and 4.6 m to the deck.

Cathy MacMunn, Secretary Treasurer mentioned that this application is being deferred to allow for comments to be received from Mississippi Valley Conservation Authority and for the planners the opportunity to provide further review of the application and if required to consult with the municipal solicitor.

Resolution #38

Moved by Jeff Matson

Seconded by Phillip Smith

In making the decision upon this application, the committee considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is

lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the planning act; concur in the following decision and reasons for decision.

That Minor Variance Application A-04-14, Part Lot 9, Concession 2, – Lucie Marion/JC Potvin to reduce the front yard setback and water body setback from 30 m to 4.3 m for the dwelling and 4.6 m to the deck be deferred to allow for comments to be received from Mississippi Valley Conservation Authority and for the planners the opportunity to provide further review of the application and if required to consult with the municipal solicitor.

Carried.

The next minor variance application being heard is A-05-14, Part Lot 8, Concession 5, Gwentyth Burley to reduce the lot area from the requirement of 10,000 sq. m or 2.47 acres to 5600 sq. m or 1.38 acres.

Cathy MacMunn, Secretary Treasurer mentioned that this application is being deferred to allow for comments to be received from KFL&A Public Health.

Resolution #39

Moved by Phillip Smith

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-05-14, Part Lot 8, Concession 5, – Gwentyth Burley to reduce the lot area from the requirement of 10,000 sq. m or 2.47 acres to 5600 sq. m or 1.38 acres due to the fact that the adjacent dwelling is over the property line be deferred to allow for comments to be received from KFL&A Public Health.

Carried

The last minor variance application being heard is A-7-14, Part Lot 20, Concession 10, Margo Arseneau to allow for an increase in the maximum lot coverage for an accessory building from 65 sq. metres to 111.48 sq. metres be approved with the following conditions and reasons.

Cathy MacMunn, Secretary Treasurer provided an overview of the application while Peter Young spoke on the planning merits and provided further details of the application along with recommendations.

The committee approved the application with conditions.

Resolution #40

Moved by Jeff Matson

Seconded by Phillip Smith

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

That Minor Variance Application A-7-14, Part Lot 20, Concession 10, – Margo Arseneau to allow for an increase in the maximum lot coverage for an accessory building from 65 sq. metres to 111.48 sq. metres be approved with the following conditions and reasons.

- 1. That the garage be located to the north of the existing dwelling.**

FOR THE FOLLOWING REASONS:

- 1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and is secondary in nature to the primary dwelling.**
- 2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront residential character and represents a limited accessory building size, smaller than the main dwelling and smaller than the 2% lot coverage in the primary RW Zone.**
- 3. The application is desirable for the appropriate development of the lands in question because it allows for a larger garage not attached to the existing dwelling.**
- 4. The application is minor because it is similar to what is permitted on other waterfront properties and will not have an adverse impact on the surrounding character.**

Carried

The next item for discussion was the request from Margo Arseneau who is requesting a refund for the minor variance application fee. The basis of the request is that there does not appear to be any reason for the accessory building size restriction. Peter Young researched the original by-law dated back in 1983 and found nothing specific to the choice for the 700 sq. foot restriction specific to the Bebris subdivision. The size of their proposed garage is within the standard Residential Waterfront accessory building maximum of 2% lot size which maintains the rule applied within Central Frontenac. Given these considerations is why she is requesting a refund.

Another request to reduce the severance application fee came forth from Doug Brown at this meeting also. His request is due to the fact that he had to reply again and that there was no change in the application.

Committee of Adjustment Minutes – July 10, 2014 – page 10

The committee discussed these requests and committee member John Purdon mentioned that we have a by-law that speaks to a non-refundable application fees and believes that the committee cannot approve such a request that in fact they can recommend to council.

It was left that Cathy would check with the solicitor as to the interpretation of the by-law and who has the authority to grant the requests.

Resolution #41

Moved by Phillip Smith

Seconded by Jeff Matson

That the request from Margo Arseneau requesting a refund for the minor variance application be approved in the amount of \$350.00

Deferred

Resolution #42

Moved by Wayne Millar

Seconded by John Purdon

That the request from Doug Brown and Dustin Peters requesting a reduction of severance application fees be deferred.

Carried

No further planning business was brought forth.

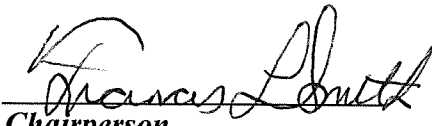
Resolution #43

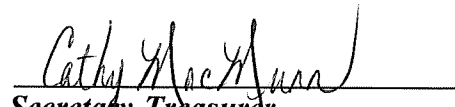
Moved by Jeff Matson

Seconded by Phillip Smith

That this meeting be adjourned until 6:00 p.m. August 14, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried


Chairperson


Secretary-Treasurer

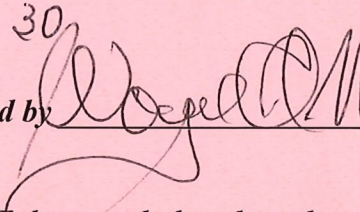
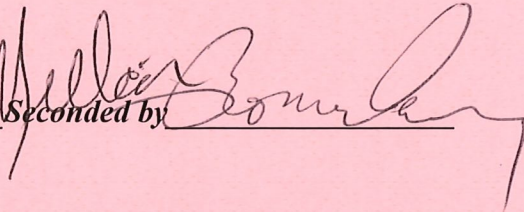
Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for July 10, 2014

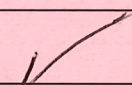
(Sharbot Lake)

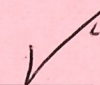
Resolution # 30

Moved by  *Seconded by* 

THAT the agenda be adopted as

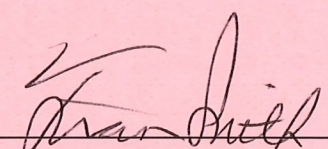
Presented _____

Amended 

Carried 

Deferred _____

Refused _____

Chairperson 

Resolution # 31

Moved by *Bona-Lay*

Seconded by *W. J. Miller*

THAT the minutes of June 19, 2014 be adopted as

Presented *✓*

Amended _____

Carried *✓*

Deferred _____

Refused _____

Chairperson *Shen Juth*

Resolution # 37

Moved by

Seconded by

That Severance Application B-04-14-OS, Lots 1 & 2, Conc. 4, Catherine Welch 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:*
 - i) *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.*
 - ii) *That if the land herein are sold to any other party within 5 years of the stamping of the deed by the Committee of Adjustment, an agreement of purchase and sale shall bear notice of this condition.*
6. *That the owner shall provide confirmation that the severed and retained parcels have legal access from Hagan Road through Lot 2, Concession 4 (1062A Hagan Road) along the existing travelled right-of-way east of Manns Lane (described as Part 2 on 13R-17607 and Part 4 on 13R-5228), to the satisfaction of the Township.*
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 that wherein the owner will agree to, without limitation:*
 - a) *implement mitigation measures identified by the Rideau Valley Conservation Authority in wording satisfactory to the Township*
 - b) *provide notice on title that the right-of-way must be maintained to an acceptable standard for emergency vehicles, and that the municipality is not responsible for maintenance or responsible for any personal or property damage, in wording to the satisfaction of the Township.*

- c) *Confirm that the private lane known as Mann's Lane will no longer be used for access for the severed lot and that all access to the lot will be from the existing east right-of-way to Hagan Road (described as Part 2 on 13R-17607 and Part 4 on 13R-5228)*
8. *That the applicant(s) must ensure that a civic address is applied for through the Public Works Department which reflects the revised lot configuration and access through Hagan Road.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Mann Smith

Resolution # 33

Moved by [Signature]

Seconded by [Signature]

That Severance Application B-06-14-HI, Pt. Lot 25, Conc. 7, Dustin Peters 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 34

Moved by [Signature] Seconded by [Signature]

That Severance Application B-07-14-HI, Pt. Lot 25, Conc. 7, Dustin Peters 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.
7. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried ✓

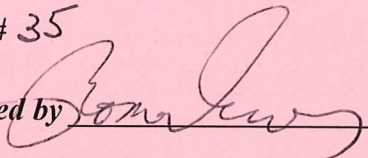
Deferred _____

Refused _____

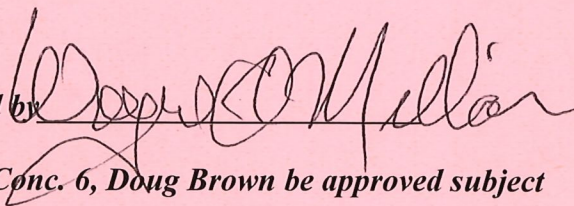
Chairperson [Signature]

Resolution # 35

Moved by



Seconded by



That Severance Application B-08-14-HI, Pt. Lot 25, Conc. 6, Doug Brown be approved subject to the following conditions:

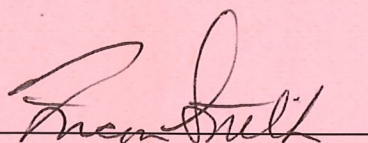
1. *That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate on title within a period of one year after the "Notice of Decision" is given under Section 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. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
7. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried _____

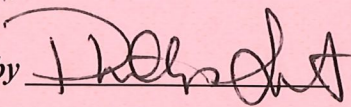
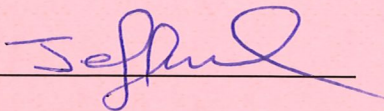
Deferred _____

Refused _____

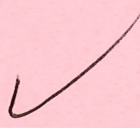
Chairperson _____



Resolution # 36

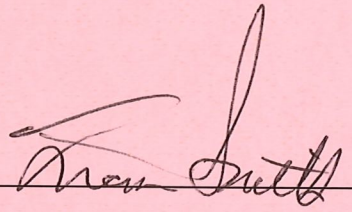
Moved by  Seconded by 

That Severance Application B-09-14-KE, Pt. Lot 8, Conc. 5, Gwenyth Burley be deferred on the request of the KFL&A Public Health to allow them the opportunity to conduct their site visit.

Carried 

Deferred _____

Refused _____

Chairperson 

Resolution # 37

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-21-13, Part Lot 7, Concession 11, – Jim Spinks c/o Cheryl Furlong to reduce the front yard setback and water body setback from 30 m to 11.6 m (as required by Sections 4.24 (e) (i) and 5.6.2 of By-law 2011-52 of the Zoning By-law) to permit an addition to the rear of an existing cottage 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. *To provide for the restoration of the shoreline through the implementation of a revegetation/landscaping plan that covers an area equivalent to the size of the cottage extension (32.5 sq metres) and is focused on the area between the extension and the lake such that water run-off from the cottage is controlled.*
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 from the roof be directed to a soak-away pit or in a direction away from the lake.*
5. *That there will be no further decks permitted adjacent to the proposed extension.*

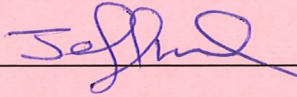
FOR THE FOLLOWING REASONS:

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 under Section 3.6.3.11:**

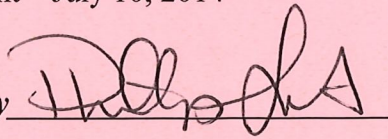
“It is the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 30 m (98.4 ft.) of the shoreline of a lake or a tributary. In situations where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building,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

Resolution # 38

Moved by



Seconded by



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

That Minor Variance Application A-04-14, Part Lot 9, Concession 2, – Lucie Marion to reduce the front yard setback and water body setback from 30 m to 4.3 m for the dwelling and 4.6 m to the deck be deferred to allow for comments to be received from Mississippi Valley Conservation Authority and for the planners the opportunity to provide further review of the application and if required to consult with the municipal solicitor.

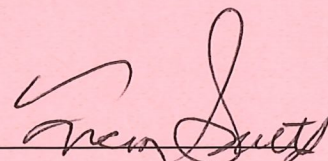
JC Polunin

Carried

Deferred

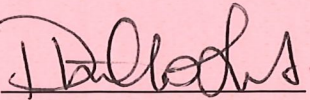
Refused

Chairperson

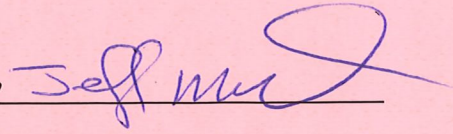


Resolution # 39

Moved by



Seconded by



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

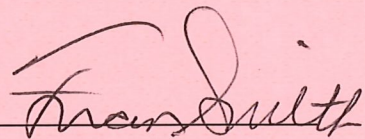
That Minor Variance Application A-05-14, Part Lot 8, Concession 5, – Gwentyth Burley to reduce the lot area from the requirement of 10,000 sq m or 2.47 acres to 5600 sq m or 1.38 acres due to the fact that the adjacent dwelling is over the property line be deferred to allow for comments to be received from KFL&A Public Health.

Carried

Deferred

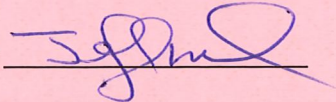
Refused

Chairperson

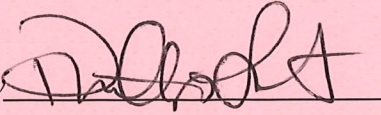


Resolution # 40

Moved by



Seconded by



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

That Minor Variance Application A-7-14, Part Lot 20, Concession 10, – Margo Arseneau to allow for an increase in the maximum lot coverage for an accessory building from 65 sq metres to 111.48 sq metres be approved with the following conditions and reasons.

1. That the garage be located to the north of the existing dwelling.

FOR THE FOLLOWING REASONS:

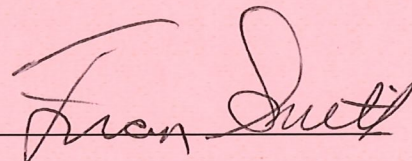
1. The application conforms to the general intent and purpose of the Official Plan because it is in keeping with the waterfront residential character and is secondary in nature to the primary dwelling.
2. The application conforms to the general intent and purpose of the Zoning By-law because it is in keeping with the waterfront residential character and represents a limited accessory building size, smaller than the main dwelling and smaller than the 2% lot coverage in the primary RW Zone.
3. The application is desirable for the appropriate development of the lands in question because it allows for a larger garage not attached to the existing dwelling.
4. The application is minor because it is similar to what is permitted on other waterfront properties and will not have an adverse impact on the surrounding character.

Carried

Deferred

Refused

Chairperson



Resolution # 41

Moved by [Signature] Seconded by [Signature]

That the request from Margo Arseneau requesting a refund for the minor variance application be: Approved in the amount of \$350.00

Moved by John.
See Wayne.

To dep. to next meeting.

Carried _____

Deferred

Refused _____

Chairperson [Signature]

Resolution # 42

Moved by [Signature] Seconded by [Signature]

That the request from Doug Brown & Dustin Peters requesting a reduction of severance application fees be: Deferred

Carried _____

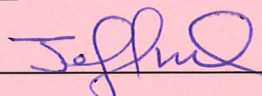
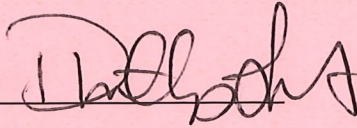
Deferred ✓

Refused _____


Chairperson [Signature]

Township of Central Frontenac, Committee of Adjustment, July 10, 2014

Resolution # 43

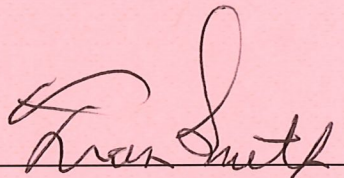
Moved by  Seconded by 

That this meeting be adjourned until 6:00 p.m. August 14, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried 

Deferred

Refused

Chairperson 



THURSDAY JUNE 19, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order by (Chair)
- 2) Approval of Agenda
- 3) Disclosure of pecuniary interest
- 4) Minutes of previous meetings –May 15, 2014
- 5) Unfinished/Old business and business arising from the minutes
- 6) Applications for consent:
 - B-26-13-HI – Denis Emard – granting of a right of way – deferred in December 2013
 - B-27-13-HI – Denis Emard – granting of a right of way – deferred in December 2013
 - B-28-13-HI – Robert Gulyas – granting of a right of way – deferred in December 2013
 - B-04-14-OS – Catherine Welch (Kathy Martin) – creation of a new lot
- 7) Applications for minor variance:
 - A-3-14 – Laura Murray – Murray’s Cottage – reduction from the front yard and Water body setback
- 8) Other planning business
- 9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes – June 19, 2014

Committee of Adjustment met on June 19, 2014 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Janet Gutowski, Wayne Millar, Phillip Smith, Tom Dewey, John Purdon

Absent: Heather Fox, Normand Guntensperger, Jeff Matson

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer along with Peter Young, planner from Frontenac County

Public in attendance – Tom MacDonald, Kathy Martin, Alison Robinson, Sondra & Grant Feasby.

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

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

The agenda was then introduced.

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

Resolution #22

*Moved by Wayne Millar Seconded by John Purdon
That the agenda be adopted as presented.*

Carried

Resolution #23

*Moved by John Purdon Seconded by Wayne Millar
That the minutes of May 15, 2014 be adopted as presented.*

Carried

The first three applications being heard are B-26-13-HI and B-27-13-HI Denis Emard along with B-28-13-HI Robert Gulyas which were deferred at the December 12, 2013 meeting.

Cathy MacMunn, Secretary Treasurer reviewed the applications briefly and mentioned why they were previously deferred and read the letter from the Rideau Valley Conservation Authority who do not have any concerns with the approval of providing a right of way over the existing private lane.

Mr. Feasby addressed the committee and mentioned that he had a concern that the surveyor stakes had been moved and confirmed that indeed they were not moved and the existing private road from Road 38 does not encroach on their property and that the stakes are in the proper location.

The committee approved the application with conditions.

Resolution #24

Moved by Wayne Millar

Seconded by John Purdon

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

Carried

Resolution #25

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

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

Carried

Resolution #26

Moved by John Purdon

Seconded by Wayne Millar

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 51 (17) or (24) of the Planning Act.*
2. *That the applicant provides two copies of a deposited plan of reference of the entire land which conforms substantially to the application as submitted, or an exemption is obtained from the Land Registry Office, waiving the need for a reference plan.*
3. *That the description of the parcel being severed and the names of the transferor and transferee are included on the schedule attached to the deed of land.*
4. *That payment of the balance of any outstanding taxes is made to the Township Treasurer.*
5. *That the right of way be registered on title to the property over which it passes and the property to which it gives access.*
6. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*
7. *Given the historical nature of the access, the RVCA does not object to the continued use as a right-of-way, provided there are no additional alterations to the drainage pattern/fill/alteration to the existing road within the wetland areas of within 30 metre setback from Eagle Lake. We note that Eagle Lake is recognized as an "at capacity" cold water fishery, with excellent recreational water quality. That the owner be notified that any future improvements or alterations to the access which may affect the wetland or the connecting watercourses are subject to Ontario Regulation 174/06 of RCVA's Development, Interference with Wetlands, Alterations to Shoreline and Watercourses Regulation. This consideration also applies to the shoreline of Eagle Lake.*

Carried

Cathy MacMunn, Secretary Treasurer informed the committee that application B-04-14-OS Catherine Welch received concerns from the adjacent land owners regarding access and it is best to defer the application until the next meeting to allow time to review the comments further.

Resolution #27

Moved by Janet Gutowski

Seconded by Phillip Smith

That Severance Application B-04-14-OS, Lots 1 & 2, Conc. 4, Catherine Welch be deferred to allow the staff and planner to review the comments received by the adjacent property owners in regards to access to the severed parcel and if need be to consult with the municipal solicitor.

Carried

The next application being heard was minor variance application A-3-14, Pt. Lot 13, Conc. 1, Laura Murray (Murray's Cottages) to reduce the front yard setback and water body setback from 30 m to 11.88 m to permit an addition to the rear of an existing cottage.

Cathy MacMunn, Secretary Treasurer provided an overview of the application while Peter Young spoke on the planning merits and provided further details of the application along with recommendations.

The committee asked if this property should be in a recreational commercial zone rather than a residential zone. Peter mentioned that this property is grandfathered and we can look at this during the updating of our zoning by-law later this year. The committee approved the application with conditions.

Resolution #28

Moved by Tom Dewey

Seconded by Janet Gutowski

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

That Minor Variance Application A-3-14, Part Lot 13, Concession 1, plan 113, Lot 124 – Laura Murray (Murray's Cottages) to reduce the front yard setback and water body setback from 30 m to 11.88 m to permit an addition to the rear of an existing cottage 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 there will be no further 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 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.***
- 5. 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.***

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. Section 3.6.5 Waterfront Protection – while the cottage is within the 30 metre setback area, the size of the addition is relatively small and will be constructed on the rear of the cottage in an already cleared area and appropriate mitigation measures will be put in place to protect Sharbot Lake, the general intent of the official plan has been maintained and consequently, the application meets the first test.**
2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state as the addition and deck will be located away from the lake and will not affect the ‘ribbon of life’ along the waterfront and it is in keeping with the residential character of the zone and mitigation measures will be used to enhance the waterfront setback. Maintaining the vegetation on the slope leading to the lake in its entirety to help maintain slope stability and mitigate the effects of erosion and surface runoff through a development agreement and by restricting any further encroachment into the 30 m water body setback with any hardened structures, including porches and decks will protect what is commonly referred to as the ‘Ribbon of Life’. To this extent the second test will be met.**
3. **The application is minor in nature as the addition will result in a relatively small increase in the cottage building footprint and will not have an adverse impact on the surrounding character and thus meets the third test.**
4. **Is the building or structure desirable for the appropriate development or use of land? The addition will result in a relatively small increase in the cottage building footprint and does not require an increase in servicing capacity and thus meets the fourth test.**

Carried

No further planning business was brought forth.

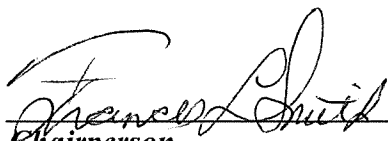
Resolution #29

Moved by Janet Gutowski

Seconded by Tom Dewey

That this meeting be adjourned until 6:00 p.m. July 10, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried



Chairperson



Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for June 19, 2014

(Sharbot Lake)

Resolution # 22

Moved by _____

Seconded by _____

THAT the agenda be adopted as

Presented _____

Amended _____

Carried

Deferred _____

Refused _____

Chairperson _____

Resolution # 23

Moved by [Signature] Seconded by [Signature]

THAT the minutes of May 15, 2014 be adopted as

Presented [Signature]

Amended _____

Carried [Signature]

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 24

Moved by *Wayne Miller* Seconded by *John Burt*

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.***

Carried *✓*

Deferred _____

Refused _____

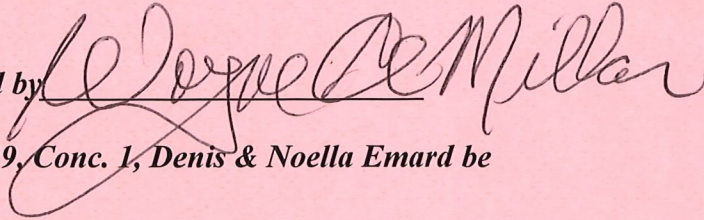
Chairperson *Tom Sueti*

Resolution # 25

Moved by



Seconded by



That Severance Application B-27-13-HI, Lots 27 & 29, Conc. 1, Denis & Noella Emard be approved subject to the following conditions:

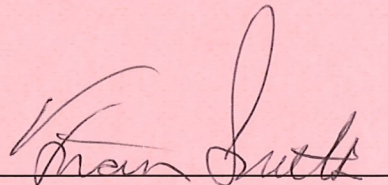
1. *That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate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



Resolution # 26

Moved by

[Handwritten signature]

Seconded by

[Handwritten signature]

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.*

7. Given the historical nature of the access, the RVCA does not object to the continued use as a right-of-way, provided there are no additional alterations to the drainage pattern/fill/alteration to the existing road within the wetland areas of within the 30 metre setback from Eagle Lake. We note that Eagle Lake is recognized as an "at capacity" cold water fishery, with excellent recreational water quality. We support and increased setback from the lake should *future site alterations/development be proposed on Parcel C.*

~~We recommend~~ that the owner be notified that any future improvements or alteration to the access which may affect the wetland or the connecting watercourses are subject to Ontario Regulation 174/06 our Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation. This consideration also applies to the shoreline of Eagle Lake.

Carried ✓

Deferred _____

Refused _____

Chairperson

[Handwritten signature]

Resolution # 27

Moved by [Signature] Seconded by [Signature]

That Severance Application B-04-14-OS, Lots 1 & 2, Conc. 4, Catherine Welch be deferred to allow the staff and planner to review the comments received by the adjacent property owners in regards to access to the severed parcel and if need be to consult with the municipal solicitor.

Carried ✓
Deferred _____
Refused _____

Chairperson [Signature]

Resolution # 28

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-3-14, Part Lot 13, Concession 1, plan 113, Lot 124 – Laura Murray (Murray’s Cottages) to reduce the front yard setback and water body setback from 30 m to 11.88 m to permit an addition to the rear of an existing cottage 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 there will be no further 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 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.*
- 5. 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.*

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. Section 3.6.5 Waterfront Protection – while the cottage is within the 30 metre setback area, the size of the addition is relatively small and will be constructed on the rear of the cottage in an already cleared area and appropriate mitigation measures will be put in place to protect Sharbot Lake, the general intent of the official plan has been maintained and consequently, the application meets the first test.**

2. **General intent and purpose of the zoning by-law is comparable to the official plan, which is to conserve the shoreline in its natural state as the addition and deck will be located away from the lake and will not affect the 'ribbon of life' along the waterfront and it is in keeping with the residential character of the zone and mitigation measures will be used to enhance the waterfront setback. Maintaining the vegetation on the slope leading to the lake in its entirety to help maintain slope stability and mitigate the effects of erosion and surface runoff through a development agreement and by restricting any further encroachment into the 30 m water body setback with any hardened structures, including porches and decks will protect what is commonly referred to as the 'Ribbon of Life'. To this extent the second test will be met.**

3. **The application is minor in nature as the addition will result in a relatively small increase in the cottage building footprint and will not have an adverse impact on the surrounding character and thus meets the third test.**

4. **Is the building or structure desirable for the appropriate development or use of land? The addition will result in a relatively small increase in the cottage building footprint and does not require an increase in servicing capacity and thus meets the fourth test.**

Carried

Deferred

Refused

Chairperson _____

Travis Smith

Resolution # 29

Moved by

[Signature]

Seconded by

[Signature]

That this meeting be adjourned until 6:00 p.m. July 10, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Deferred

Refused

Chairperson

[Signature]



THURSDAY MAY 15, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- 1) Call to order by (Chair)**
- 2) Approval of Agenda**
- 3) Disclosure of pecuniary interest**
- 4) Minutes of previous meetings –April 24, 2014**
- 5) Unfinished/Old business and business arising from the minutes**
- 6) Applications for consent:**
 - B-01-14-OL - Robert Bernard – creation of a new lot**
 - B-02-14-OS – Peter MacPherson/Diane Hammer – creation of a new lot**
 - B-03-14-HI – Michael Tarasick – lot addition**
- 7) Applications for minor variance:**
 - Nil**
- 8) Other planning business**
- 9) Adjournment**

Township of Central Frontenac Committee of Adjustment Minutes –May 15, 2014

Committee of Adjustment met on May 15, 2014 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Wayne Millar, Phillip Smith, Tom Dewey

Absent: Heather Fox, Normand Guntensperger, Janet Gutowski, John Purdon, Jeff Matson

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer along with Peter Young, planner from Frontenac County

No public in attendance.

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

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

The agenda was then introduced.

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

Resolution #16

***Moved by Wayne Millar Seconded by Phillip Smith
That the agenda be adopted as presented.***

Carried

Resolution #17

***Moved by Phillip Smith Seconded by Wayne Millar
That the minutes of April 24, 2014 be adopted as presented.***

Carried

The first application being heard was consent application B-01-14-OL, Pt. Lot 1 & 2, Conc. 10, Robert Bernard who is creating a new lot located at 1155 Ducharme Road, Olden District on Oconto Lake.

Cathy MacMunn, Secretary Treasurer provided an overview of the application while Peter Young spoke on the planning merits and provided further details of the application along with recommendations.

Peter mentioned that KFL&A Public Health provided comments and noted that additional suitable granular soil will be required to construct a sewage disposal system and that specific requirements will be indicated on the Permit to Install prior to site development. They had no concerns with the approval of the application.

Peter also indicated that a report from Rideau Valley Conservation Authority had not been received at the time he wrote his report but stated that given this proposal had gone through an Official Plan and Zoning By-law Amendment processes, it is not anticipated that any significant changes to the conditions would be required.

The committee approved the application with conditions.

Resolution #18

Moved by Wayne Millar

Seconded by Phillip Smith

That Severance Application B-01-14-OL, Pt. Lot 1 & 2, Conc. 10, Robert Bernard 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. *That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department and that there are approved entrances for both the severed and retained lots.*
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 agree to implement mitigation measures if identified by the Rideau Valley Conservation Authority prior to the deed being stamped.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

The second application being heard was consent application B-02-14-OS, Pt. Lot 16, Conc. 1, Peter MacPherson and Diane Hammar who are creating a new lot located off of Hwy 7 on Twin Lake, Oso District.

Cathy MacMunn, Secretary Treasurer provided an overview of the application while Peter Young spoke on the planning merits and provided further details of the application along with recommendations.

Committee of Adjustment Minutes – May 15, 2014 – page 3

Peter mentioned that KFL&A Public Health provided comments and noted that additional suitable granular soil will be required to construct a sewage disposal system and that specific requirements will be indicated on the Permit to Install prior to site development. They had no concerns with the approval of the application.

Peter also stated that Mississippi Valley Conservation Authority provided a number of standard conditions relating to the wetlands, water bodies and water courses on the property but had no objection to the approval of the application. Peter outlined the comments from the Ministry of Transportation who noted that the proposed severed and retained lots have one existing field access each to Highway 7. Both entrances qualify to be brought to residential entrance standard, in the event that development is to occur.

The committee approved the application with conditions.

Resolution #19

Moved by Phillip Smith Seconded by Wayne Millar

That Severance Application B-02-14-OS, Pt. Lot 16, Conc.1, Peter MacPherson and Diane Hammar 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(s) must ensure that the civic address is applied for through the Township.***

Resolution #19 cont'd:

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, which agreement shall provide, without limitation:

A) That the owner will implement mitigation measures identified by the Mississippi Valley Conservation Authority in their letter dated May 13, 2014:

- i) No buildings, septic systems or roads shall occur within 30 metres of the seasonal high water mark of the unclassified wetlands or watercourses.***
- ii) Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetlands, watercourses or onto adjacent properties.***
- iii) Vegetation along the shoreline of the wetlands and watercourses shall be maintained to a minimum depth of 30 metres as per the Central Frontenac Official Plan.***
- iv) Wetlands shall remain undisturbed.***

B) That no residential structure shall be constructed within 300 metres of Highway 7 without first obtaining an acoustical study prepared by a qualified consultant and implementing the recommendations of the study to ensure that noise and vibration levels at the proposed dwelling will meet provincial standards and;

C) That no development shall occur within 300 metres of the high water mark until such time as the owner conforms to all applicable provisions of the Official Plan and the severed lot is rezoned.

D) That the portion of the severed lands within 300 metres of the waterfront of Twin Lake be rezoned to prohibit development.

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

Carried

The third application being heard was consent application B-03-14-HI, Pt. Lot 4, Conc. 7, Michael Tarasick who is proposing to sever a lot as a lot addition to the adjacent parcel of land he owns located at 2072B Wagarville Road.

Cathy MacMunn, Secretary Treasurer provided an overview of the application while Peter Young spoke on the planning merits and provided further details of the application along with recommendations.

Peter mentioned that KFL&A Public Health had no concerns with this application as it is a lot addition. He also stated that comments from the Rideau Valley Conservation Authority had not yet been received but given that this is a lot adjustment it is not anticipated that any significant changes to the conditions would be required.

The committee approved the application with conditions.

Resolution #20

Moved by Phillip Smith

Seconded by Wayne Millar

That Severance Application B-03-14-HI, Pt. Lot 4, Conc.7, Michael Tarasick 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.

Committee of Adjustment Minutes – May 15, 2014 – page 6

No further planning business was brought forth.


Resolution #21

Moved by Wayne Millar

Seconded by Phillip Smith

That this meeting be adjourned until 6:00 p.m. June 12, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for May 15, 2014

(Sharbot Lake)

Resolution # 16

Moved by

Deane Miller

Seconded by

Halliday

THAT the agenda be adopted as

Presented

Amended _____

Carried

Deferred _____

Refused _____

Chairperson

Tren Smith

Resolution # 17

Moved by [Signature] Seconded by [Signature]

THAT the minutes of April 24, 2014 be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 118
Moved by [Signature] Seconded by [Signature]

That Severance Application B-01-14-OL, Pt. Lot 1 & 2, Conc. 10, Robert Bernard be approved subject to the following conditions:

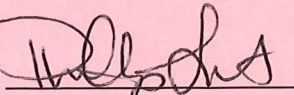
1. *That all conditions are satisfied and the draft deeds for the severed parcel be presented to the Township of Central Frontenac in order to have the Certificate of Official of the Committee issued. The applicant's lawyer must submit an undertaking to the municipality to register the electronic certificate 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:*
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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 the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department and that there are approved entrances for both the severed and retained lots.*
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 agree to implement mitigation measures if identified by the Rideau Valley Conservation Authority prior to the deed being stamped.*
8. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried
Deferred
Refused

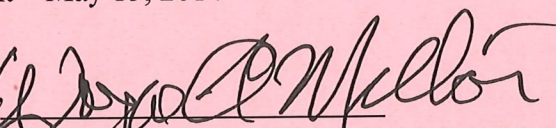
Chairperson [Signature]

Resolution # 19

Moved by



Seconded by



That Severance Application B-02-14-OS, Pt. Lot 16, Conc. 1, Peter MacPherson and Diane Hammar 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.*
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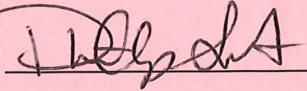
6. *That the applicant(s) must ensure that the civic address is applied for through the Township.*
7. *That the applicant shall enter into a development agreement under Section 51 (26) of the Planning Act with the municipality in a form satisfactory to the municipality to be registered against title to the severed lot, which agreement shall provide, without limitation:*

A) That the owner will implement mitigation measures identified by the Mississippi Valley Conservation Authority in their letter dated May 13, 2014:

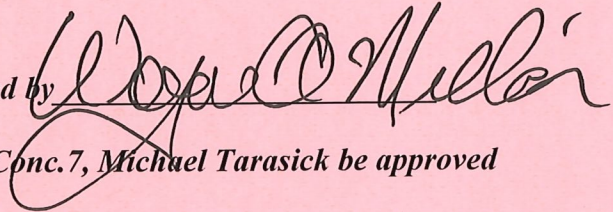
- i) *No buildings, septic systems or roads shall occur within 30 metres of the seasonal high water mark of the unclassified wetlands or watercourses.*
- ii) *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the wetlands, watercourses or onto adjacent properties.*
- iii) *Vegetation along the shoreline of the wetlands and watercourses shall be maintained to a minimum depth of 30 metres as per the Central Frontenac Official Plan.*

Resolution # 20

Moved by



Seconded by



That Severance Application B-03-14-HI, Pt. Lot 4, Conc. 7, Michael Tarasick 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:*

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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 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
Deferred
Refused

Chairperson Man Smith

Resolution # 2/1

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. June 12, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried [checkmark]

Deferred _____

Refused _____

Chairperson [Signature]



THURSDAY APRIL 24, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

1) Call to order by (Chair)

2) Approval of Agenda

3) Disclosure of pecuniary interest

4) Minutes of previous meetings –January 9, 2014

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

6) Applications for consent:

Nil

7) Applications for minor variance:

✓ A-01-14 – Shawn & Lori Maxwell – increase in gross floor area for a sleep cabin

✓ A-02-14- Simon Crabtree – reduction from the high water mark

✓ A-20-13 – Carole & Larry Conway – withdrawal of application

8) Other planning business

9) Adjournment

Township of Central Frontenac Committee of Adjustment Minutes –April 24, 2014

Committee of Adjustment met on April 24, 2014 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

Present: Frances Smith, Wayne Millar, Norman Guntensperger, Jeff Matson, John Purdon, Janet Gutowski

Absent: Heather Fox, Phillip Smith

Staff in attendance: Cathy MacMunn, Planning Coordinator/Secretary Treasurer along with Joe Gallivan and Peter Young, planners from Frontenac County

Public in attendance: Tracy Zander, planner with ZanderPlan Inc. who is acting as agent for Maxwell, Simon Crabtree

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

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

The agenda was then introduced.

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

Resolution #10

Moved by Wayne Millar

Seconded by Norman Guntensperger

That the agenda be adopted as presented.

Carried

Resolution #11

Moved by Wayne Millar

Seconded by John Purdon

That the minutes of January 9, 2014 be adopted as presented.

Carried

The first application being heard was minor variance application A-01-14, Part Lot 14, Concession 13 and Part of Lots 13 & 14, Concession 14, Shawn & Lori Maxwell. This application is proposing to permit the existing cottage to be converted to a sleep cabin and to allow an increase in the gross floor area.

Cathy MacMunn, Secretary Treasurer provided an overview of the application while Peter Young spoke on the planning merits of the application and the details along with the recommendations. In the planning report Peter mentions about a Yurt being on the property with a surrounding deck. The other discussed was whether or not the Public Health needed to comment on this application as this variance will not impact the existing septic system as it deals with the conversion of a cottage to a sleep cabin and to allow it to be larger than the by-law allows.

There were a couple of question raised by the committee. Should the variance include a setback from the exterior side yard to 0 metres as the lot line is close to the road allowance and whether the road allowance is still owned by the municipality or has it been sold.

Cathy was able to answer the question regarding the road allowance and informed the committee that the road allowance is still in the ownership of the municipality and that in fact the applicant was requesting to have it stopped up, closed and sold to them but staff, were not prepared to recommend to council to have it closed as it leads to water and we do not know if it will be required as access to the water in the future.

Peter Young spoke on the setback from the road allowance stating that they did review this and in fact the cottage is legally non-complying and the structure is not changing even with it being converted to a sleep cabin and therefore did not feel it was not necessary to require a setback from the exterior side yard.

Also, the committee asked about this sleep cabin being hooked up to the septic system. The applicants are planning on building a new cottage on the property as well as a new septic system in the future and therefore are not planning to hook the existing cottage to the present system.

Peter mentioned to the committee that as approval of the application that the Yurt not be used as a sleep cabin or living space since the by-law allows for one sleep cabin.

Tracy Zander from ZanderPlan Inc. is the agent for this application who confirmed that the applicants are planning on building at some time in the future but was unable to say what the plans are for the Yurt.

KFL&A Public Health: a report was not received as they were unable to complete the site visit.

Quinte Conservation Authority:

As per the application provided to this office, it is our understanding that the variance will allow for the existing cottage to be converted into a sleep cabin and to allow for an increase in the gross floor area. It is understood that the cooking facilities will be removed from the existing cottage. No new construction is proposed.

Staff have reviewed the application along with all pertinent information relating to the subject property, and reviewed the application with respect to the applicability of Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), Quinte Conservation policies, and the natural hazard policy of the Provincial Policy Statement. Based on our review, we do not object to the approval of this application as presented.

Ontario Regulation #319/09 (Quinte Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)

The subject lands lie within the regulated area of Fifth Depot Lake. The owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 30 metres of the high water mark/top of bank of the lake. Through the permit application process, the Authority will identify any potential concerns associated with any natural hazards on the subject lands, and review the permit application in light of Regulation #319/09 and Authority policies before deciding to issue or deny the permit.

The committee approved the application with conditions.

Resolution #12

Moved by Wayne Millar

Seconded by Norman Gutensperger

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-01-14, Part of Lot 14, Concession 13 and Part of Lots 13 & 14, Concession 14 – Shawn & Lori Maxwell to permit the existing cottage to be converted to a sleep cabin and to allow for an increase in gross floor area from 37 sq. metres to 57 sq. metres be approved for the following condition and reasons:

CONDITION: Cooking facilities to be removed and that the existing Yurt not be used as a sleeping cabin or living space

FOR THE FOLLOWING REASONS:

- 1. General intent and purpose of the Official Plan is to protect the lakes and rivers within the municipality when waterfront development is proposed. The cottage already exists and therefore converting it to a sleep cabin will have a reduced impact and usage on the property. For that reason, the application for a variance meets the first test.*
- 2. General intent and purpose of the zoning by-law is to permit lakefront residential development in keeping with the rural character of the municipality, with appropriate development standards for lake protection. The existing cottage is of a relatively small size to operate as a sleep cabin and will be accessory to the proposed cottage that will be constructed and therefore would meet the second test.*
- 3. The variance is minor in nature as the resulting development of the property will not have an adverse effect on the character of the surrounding area and thus it meets the third test.*
- 4. Is the building or structure desirable for the appropriate development or use of land? The variance will allow for the construction of a new cottage in an area that complies with the setbacks in the zoning by-law, and allow the existing cottage to be reused rather than needing to be fully or partially demolished and therefore will meet the fourth test.*

Carried

The second application being heard was minor variance application A-02-14, Part Lot 15, Concession 11. This application is proposing to reduce the front yard and water body setback to permit an addition to the rear of the existing cottage and replacement of septic tank.

Cathy MacMunn, Secretary Treasurer provided an overview of the application while Joe Gallivan spoke on the planning merits of the application and the details along with the recommendations. The applicant is proposing a 37.8 square metre addition on the north side of the cottage to add an additional bedroom. The existing septic tank is proposed to be replaced with a larger one as required by the KFL&A Public Health. However, no upgrades to the weeping field are required.

The committee had one question and that related to the septic system and they were looking for confirmation that the tank is the only thing that needs to be replaced.

Simon Crabtree, applicant informed the committee that yes the tank only needs to be replaced as the bed has been replaced recently.

KFL&A Public Health: Has no objection to the proposed minor variance as the owner has submitted an application under permit number OL-1-14.

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

RECOMMENDATIONS AND CONCLUSIONS:

With all of the above in consideration, MVCA does not have any objection to the subject application provided the following is implemented:

1. There shall be no additional encroachment into the water body setback with any hardened structures, including decks, porches, and auxiliary structures.
2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the water.
4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
5. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring properties. In order to achieve this, eaves trough shall be installed. The eaves trough shall be outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.

6. Existing vegetation on the face of the slope leading to the lake shall be maintained in its entirety. In addition, with the exception of a maximum 9 m wide clearing for water access, native shrubs shall be established on the crest of the shoreline slope to a minimum depth of 3 metres measured towards the road. This effort will help to mitigate the effects of erosion and surface runoff on the lake and help to maintain slope stability. Shoreline vegetation is particularly important on lake trout lakes which are sensitive to the impacts of development. **MVCA is currently offering a planting program to assist landowners in this regard.**

The committee approved the application with conditions.

Resolution #13

Moved by Norman Guntensperger Seconded by Wayne Millar

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

That Minor Variance Application A-02-14, Part of Lot 15, Concession 11 – Simon Crabtree to reduce the front yard setback (with water frontage) from 30 m to 19.5 m to the proposed addition and from 30 m to 21.3 m to the replaced septic tank be approved with the following conditions and reasons:

CONDITIONS:

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

1. There shall be no additional encroachment into the water body setback with any hardened structures, including decks, porches, and auxiliary structures.
2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the 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 runoff is directed into the lake or onto neighboring properties. In order to achieve this, eaves trough shall be installed. The eaves trough shall be outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.

6. Existing vegetation on the face of the slope leading to the lake shall be maintained in its entirety. In addition, with the exception of a maximum 9 m wide clearing for water access, native shrubs shall be established on the crest of the shoreline slope to a minimum depth of 3 metres measured towards the road. This effort will help to mitigate the effects of erosion and surface runoff on the lake and help to maintain slope stability. Shoreline vegetation is particularly important on lake trout lakes which are sensitive to the impacts of development.

FOR THE FOLLOWING REASONS:

1. **General intent and purpose of the Official Plan is to protect the lakes and rivers within the municipality when waterfront development is proposed. The proposed variance conforms to the policies in the Official Plan as the size of the addition is relatively minor, will be located in an already cleared area, and will be subject to mitigation measures to protect water quality of Sharbot Lake and therefore it would meet the first test.**
2. **The general intent and purpose of the zoning by-law is to permit lakefront residential development in keeping with the rural character of the municipality, with the appropriate development standards for lake protection. This proposal conforms to the Zoning by-law as both the proposed new septic tank and the cottage addition are located away from the lake in an already cleared area, and further enhancements to the “ribbon of life” within 30 metres of the shoreline will be made through the implementation of conditions of the variance and therefore the second test will be met.**
3. **The variance is minor in nature as the proposed addition will be within the setback of the existing structure at the rear of the building and will have a relatively small increase in building footprint and thus it meets the third test.**
4. **Is the building or structure desirable for the appropriate development or use of land? The addition will be constructed away from the lake and the impact on the lands will be lessened by the addition to the existing cottage rather than demolition and the construction of a new cottage and therefore will meet the the fourth test.**

Carried

No comments received from the public on either minor variance application.

The other business before the committee was Minor Variance Application A-20-13, Part Lot 14, Concession 8, Carole and Larry Conway who no longer require a variance and have requested that their application be withdrawn.

Resolution #14

Moved by Wayne Millar

Seconded by Norman Guntensperger

That Minor Variance Application A-20-13, Part Lot 14, Concession 8 – Carole & Larry Conway be withdrawn on the request of the applicant as they no longer require a variance as the proposed new dwelling and septic system will be located in an area that fully conforms to the Township’s Zoning By-Law.

Carried

Committee of Adjustment Minutes – April 24, 2014 – page 7

No further planning business was brought forth.

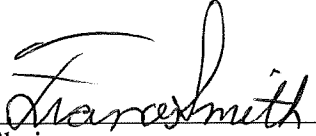
Resolution #15

Moved by Jeff Matson

Seconded by Janet Gutowski

That this meeting be adjourned until 6:00 p.m. May 8, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for April 24, 2014

(Sharbot Lake)

Resolution # _____

Moved by _____

Seconded by _____

THAT the agenda be adopted as

Presented _____

Amended _____

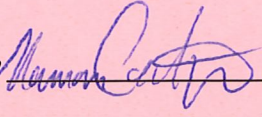
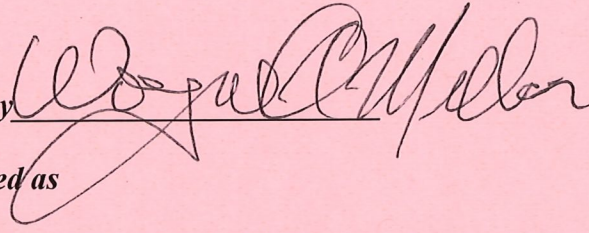
Carried _____

Deferred _____

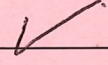
Refused _____

Chairperson _____

Resolution #

Moved by  **Seconded by** 

THAT the minutes of January 9, 2014 be adopted as

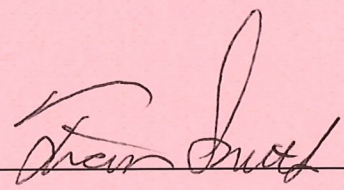
Presented 

Amended _____

Carried _____

Deferred _____

Refused _____

Chairperson 

Resolution #

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-01-14, Part of Lot 14, Concession 13 and Part of Lots 13 & 14, Concession 14 – Shawn & Lori Maxwell to permit the existing cottage to be converted to a sleep cabin and to allow for an increase in gross floor area from 37 sq. metres to 57 sq. metres be approved for the following reasons: condition and reasons:

CONDITION: That the existing Yurt not be used as a sleeping cabin or living space.
REASONS:

1. General intent and purpose of the Official Plan is to protect the lakes and rivers within the municipality when waterfront development is proposed. The cottage already exists and therefore converting it to a sleep cabin will have a reduced impact and usage on the property. For that reason, the application for a variance meets the first test.
2. General intent and purpose of the zoning by-law is to permit lakefront residential development in keeping with the rural character of the municipality, with appropriate development standards for lake protection. The existing cottage is of a relatively small size to operate as a sleep cabin and will be accessory to the proposed cottage that will be constructed and therefore would meet the second test.
3. The variance is minor in nature as the resulting development of the property will not have an adverse affect on the character of the surrounding area and thus it meets the third test.
4. Is the building or structure desirable for the appropriate development or use of land? The variance will allow for the construction of a new cottage in an area that complies with the setbacks in the zoning by-law, and allow the existing cottage to be reused rather than needing to be fully or partially demolished and therefore will meet the fourth test.

Carried

Deferred

Refused

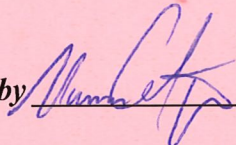
Chairperson

Tom Smith

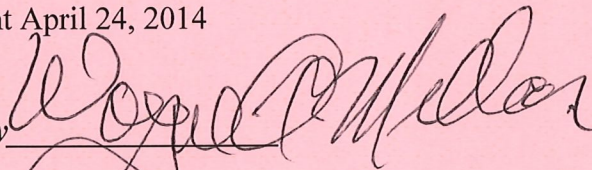
and to have
remove the
cooking facilities
removed

Resolution #

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-02-14, Part of Lot 15, Concession 11 – Simon Crabtree to reduce the front yard setback (with water frontage) from 30 m to 19.5 m to the proposed addition and from 30 m to 21.3 m to the replaced septic tank be approved with the following conditions and reasons:

CONDITIONS:

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

1. There shall be no additional encroachment into the waterbody setback with any hardened structures, including decks, porches, and auxiliary structures.
2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the water.
4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
5. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring properties. In order to achieve this, eaves trough shall be installed. The eaves trough shall be outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.
6. Existing vegetation on the face of the slope leading to the lake shall be maintained in its entirety. In addition, with the exception of a maximum 9 m wide clearing for water access, native shrubs shall be established on the crest of the shoreline slope to a minimum depth of 3 metres measured towards the road. This effort will help to mitigate the effects of erosion and surface runoff on the lake and help to maintain slope stability. Shoreline vegetation is particularly important on lake trout lakes which are sensitive to the impacts of development.

FOR THE FOLLOWING REASONS:

- 1. General intent and purpose of the Official Plan is to protect the lakes and rivers within the municipality when waterfront development is proposed. The proposed variance conforms to the policies in the Official Plan as the size of the addition is relatively minor, will be located in an already cleared area, and will be subject to mitigation measures to protect water quality of Sharbot Lake and therefore it would meet the first test.**
- 2. The general intent and purpose of the zoning by-law is to permit lakefront residential development in keeping with the rural character of the municipality, with the appropriate development standards for lake protection. This proposal conforms to the Zoning by-law as both the proposed new septic tank and the cottage addition are located away from the lake in an already cleared area, and further enhancements to the "ribbon of life" within 30 metres of the shoreline will be made through the implementation of conditions of the variance and therefore the second test will be met.**
- 3. The variance is minor in nature as the proposed addition will be within the setback of the existing structure at the rear of the building and will have a relatively small increase in building footprint and thus it meets the third test.**
- 4. Is the building or structure desirable for the appropriate development or use of land? The addition will be constructed away from the lake and the impact on the lands will be lessened by the addition to the existing cottage rather than demolition and the construction of a new cottage and therefore will meet the the fourth test.**

Carried ✓

Deferred _____

Refused _____

Chairperson _____

Therese Smith

Resolution #

Moved by

Seconded by

That Minor Variance Application A-20-13, Part Lot 14, Concession 8 – Carole & Larry Conway be withdrawn on the request of the applicant as they no longer require a variance as the proposed new dwelling and septic system will be located in an area that fully conforms to the Township's Zoning By-Law.

Carried _____

Deferred _____

Refused _____

Chairperson _____

Frank Smith

Township of Central Frontenac, Committee of Adjustment, April 24, 2014

Resolution # _____

Moved by _____

Seconded by _____

That this meeting be adjourned until 6:00 p.m. May 8, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried _____

Deferred _____

Refused _____

Chairperson _____

Kevin Smith



THURSDAY JANUARY 9, 2014

6:00 P.M. COMMITTEE OF ADJUSTMENT

SOLDIERS MEMORIAL HALL, SHARBOT LAKE

- ✓ 1) **Elect a chair for 2014**
- ✓ 2) **Call to order by (Chair)**
- ✓ 3) **Approval of Agenda**
- ✓ 4) **Disclosure of pecuniary interest**
- ✓ 5) **Minutes of previous meetings –November 14th and December 12th 2013**
- ✓ 5) **Unfinished/Old business and business arising from the minutes**
- ✓ 6) **Applications for consent:**
 - ✓ B-30-13-OS – John & Ada Jarvis – creation of a new lot
 - ✓ B-31-13-OS – John & Ada Jarvis – creation of a new lot
 - ✓ B-32-13-HI – Ken & Mark Howes – creation of a new lot
 - ✓ B-18-13-HI – Ron Moore – granting of a right of way
 - ✓ B-25-13-HI – Frank & Lori Domen – creation of a new lot
- 7) **Applications for minor variance:**

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

Township of Central Frontenac Committee of Adjustment Minutes – January 9, 2014

Committee of Adjustment met on January 9, 2014 at 6:00 p.m. at the Soldiers Memorial Hall in Sharbot Lake.

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

Absent: Heather Fox, Normand Guntensperger, William Snyder

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

Public in attendance: Tom MacDonald, John & Ada Jarvis, Frank & Lori Domen

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

The first order of business is to elect a chair for 2014.

Resolution #1

Moved by Wayne Millar

Seconded by John Purdon

That Frances Smith be elected Chair of the Committee of Adjustment for 2014.

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 November 14th and December 12, 2013 be adopted as presented.

Carried

The first and second applications being heard were consent applications B-30-13-OS and B-31-13-OS, Pt. Lot 4, Concession 2, John & Ada Jarvis who are severing to create two new lots, one with the existing dwelling and the other as a vacant lot.

Cathy MacMunn, Secretary Treasurer led the committee through the applications. Consent application B-30-13-OS is being severed as a new lot and has a dwelling on it. The severed parcel has 88 m of frontage on the Crow Lake Road and a depth of 100 m.

The application is to create a 0.886 ha building lot with 88 m frontage on the Crow Lake Road, a year round publicly maintained road and to retain a 75.2 ha lot with 1,125 m frontage, also on the Crow Lake Road. The lands for the proposed severed lot are designated Rural in the Official Plan and zoned Rural in the zoning by-law. Section 3.6.2 of the Official Plan permits rural residential uses while the Rural (R) Zone permits a single detached dwelling.

Committee of Adjustment Minutes – January 9, 2014 – page 2

The lot is occupied by a single detached dwelling and the lot area and frontage comply with the Rural Zone standards. Part of the retained lot falls within the Mineral Aggregate Resource Zone; however, the lands are vacant and no development is proposed. The lot is large enough to permit development of the retained lot without a land use conflict.

Application B-30-13-OS complies with the OP and Zoning by-law and is consistent with the PPS; hence, the application should be approved. No deferral is required since the lot is currently serviced with on-site water and sewage disposal.

Cathy then went on to explain application B-31-13-OS is being created as a new lot with a frontage of 61 m on Crow Lake Road and a depth of 150 m and is presently vacant.

The application is to create a 2.7 ha building lot with 61 m frontage on the Crow Lake Road, a year round publicly maintained road and to retain a 75.2 ha lot with 1,125 m frontage, also on the Crow Lake Road. The lands for the proposed severed lot are designated Rural in the Official Plan and zoned Rural in the zoning by-law. Section 3.6.2 of the Official Plan permits rural residential uses while the Rural (R) Zone permits a single detached dwelling. We understand that the lot is vacant; however, the application specifies that it is used for residential purposes. We assume the former, but believe that the proposed use will be for a single detached dwelling. The lot area and frontage comply with the Rural Zone standards. Part of the retained lot falls within the Mineral Aggregate Resource Zone; however, the lands are vacant and no development is proposed. The lot is large enough to permit development of the retained lot without a land use conflict.

Application B-31-13-OS complies with the OP and Zoning by-law and is consistent with the PPS; hence, the application should be approved subject to confirmation that it can be serviced with an on-site sewage disposal system.

KFL&A Public Health: has requested a deferral for both applications due to snowy weather conditions.

Rideau Valley Conservation Authority: The Rideau Valley Conservation Authority has undertaken our review of these applications within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-1 of the federal Fisheries Act.

B-30-13 seeks to sever a .89 ha (2.2 acre) parcel with existing residence from the existing 75 ha lot. According to our mapping, there is no waterfront to affect the creation of a new lot at this location, and no regulated wetland will be impacted by this proposal.

B-31-13 seeks to sever an adjacent vacant parcel 2.7 ha (6.6 acres) from the same larger holding. As with the adjacent proposed B30, there is no wetland or waterfront which would prevent or restrict the creation of this lot.

The retained parcel hosts two separate drainage chains consisting of watercourse-wetland-pond features.

The Rideau Valley Conservation Authority has no objection to these two applications on the basis of the noted provincial planning considerations as noted above. We recommend that all site development and disturbance for the severed and retained parcels maintain a 30 metre setback from water and wetland pockets.

Rideau Valley Conservation Authority cont'd:

Please note that any alteration is subject to Ontario Regulation 174/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Any future alteration to the channel of the creek/ponds on the retained lands will require approval from the RVCA.

There was a discussion regarding the AMIS point which shows up on the mapping. This means there is possibly an abandoned mine on the retained lands. The Official Plan states that where there is a Mine Hazard that as part of the review of any planning applications and or development proposals within 1000 metres of a mine hazard as shown on the land use schedules/maps that the proponent shall provide evidence or a technical study, prepared by a qualified professional, that the site is safe for development or that the site can be rendered safe for development through remediation or rehabilitation. Mr. and Mrs. Jarvis mentioned that there are not aware of any mine located on their property. The committee suggested that Cathy check with the Ministry of Northern Mines and Development regarding this.

The committee approved both of the Jarvis applications with conditions.

Resolution #4

Moved by John Purdon

Seconded by Wayne Millar

That Severance Application B-30-13-OS, Pt. Lot 4, Conc. 2, John & Ada Jarvis 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.

Resolution #4 cont'd:

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

Carried

Resolution #5

Moved by Wayne Millar

Seconded by John Purdon

That Severance Application B-31-13-OS, Pt. Lot 4, Conc. 2, John & Ada Jarvis 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That confirmation is received from the KFL&A Public Health that the new lot can be serviced with an on-site sewage disposal system.*
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 the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried

Committee of Adjustment Minutes – January 9, 2014 – page 5

The next application being heard was consent application B-32-13-HI, Lot 29 & 30, Concession 5, Ken & Mark Howes who are severing to create one new lot.

Cathy MacMunn, Secretary Treasurer led the committee through the applications. The severed parcel has 230 m of frontage on the Long Lake Road and 9 m of water frontage on Long Lake and a depth of 130 m and is presently vacant land.

The application is to sever a parcel of 3.1 ha with a frontage of 230 m on the Long lake Road (and 9 m frontage on Long lake), a publicly maintained year round road and to retain a parcel having a lot area of 18.1 ha and a lot frontage of 470 m on the Long lake Road.

The proposed severed parcel is designated Rural while the retained parcel is largely Rural but has a 140 m frontage on Long Lake that falls within the Waterfront District land use designation. Both designations permit residential development. The applicant should be made aware that a dock would not be permitted with a reduced frontage on the lake of 9 metres since the minimum 5 m setback from the edge of the dock to the interior lot lines is required this also applies to a boathouse as per Section 4.11 (g) (i) in the Zoning By-law.

The proposed severed parcel is identified in the application as being vacant and is proposed for a residential building lot while the retained portion is occupied by a residence and 5 accessory buildings.

The proposed severed lot is zoned Rural and the proposed lot area and lot frontage along with the proposed use complies with the requirements of the Rural Zone.

The Retained parcel has a split zoning comprising mostly Rural; with a portion along the waterfront zoned Waterfront Residential (RW) and a small portion zoned Mineral Aggregate Resource (MX). The lands zoned MX reflects a former pit that was the source of Granular B or Granular C. The potential for additional extraction, if any, is compromised by existing shoreline residential development and in our opinion is unlikely to be useful for any further extraction. As noted above, the parcel is already occupied by a residence.

Based on the review of this application, it is my recommendation that the application be approved with the standard conditions. Given the size of the proposed severed lot, the land would be suitable for a conventional Class IV sewage disposal system; hence there may not be a need to defer approval until the spring; rather provisional consent could be granted with the condition that a sewage permit be obtained from the KF&LA Health Unit.

Rezoning of the lands is not required since the severed parcel complies with the Rural Zone requirements. The standard setback of 30 m would apply to the shoreline area of this lot that fronts on Long Lake. This water frontage could be used for water access and while the by-law would permit the land to be cleared, the applicant should be encouraged to retain as much of the Ribbon-of-Life in its natural state.

No rezoning is required for the retained lot given that this is an existing situation; however, when the by-law is updated, the MX zoning should be removed since the deposit would not be suitable for further excavation. In the interim, the zone standards for the Rural and Waterfront Residential Zone respectively would apply to any future development on this lot. Should the applicant choose to develop on or near the part which is zoned MX; the applicant has the option of requesting that the lands be rezoned at his cost (i.e. prior to any general update).

KFL&A Public Health: has requested a deferral for both applications due to snowy weather conditions.

Rideau Valley Conservation Authority: The Rideau Valley Conservation Authority (RVCA) has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

The application seeks approval to sever a 3.1 ha vacant lot, with a narrow 9 metre band of waterfront situated between other developed cottage lots, thence extending upland to back land to the south of the several cottage properties.

The retained 18.1 ha developed parcel will maintain 140 metres of water frontage. There are no watercourses traversing the property though the property has two sections of water frontage on Long Lake. This property fronts on Long Lake Road, a municipal road.

The proposed new lot will have adequate road frontage. The water frontage, however, is limited to 9 metres, with the majority of the lot occupying lands to the rear of several other waterfront lots.

As per our guidelines for dock and shoreline structure approvals (in keeping with federal stipulations for navigation safety) the Rideau Valley Conservation Authority has generally supported a 5m clearance from either side lot lines (as extended out on to the lake) to ensure that water access does not interfere with navigation for adjacent users. As the frontage is only 9 metres, this would not allow for a 5 metre clearance from either side lot line for a new dock/water access structure.

The RVCA does not object to the creation of the new lot provided:

- Future *residential* development and disturbance (save for a modest pedestrian access to the waterfront) should be situated such that a 30 metre setback from the high water mark of the lake is respected. The owner should be made aware that approval may be required from our office for any alteration to the lake.
- It is recognized that the limited water frontage would not provide for the standard 5 metre side lot line clearance to place a dock on this frontage and as a result, there may be a requirement for an approval under the Navigable Waters Protection Act. We would support a note on any approval given, to recognize that there may be restrictions on water access structure and placement for the proposed new lot.
- Please also note that the shoreline of Long Lake is subject to Ontario Regulation 174/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.

PUBLIC INPUT

A letter was received by Viner, Kennedy, Frederick, Allan & Tobias who are solicitors acting on behalf of Connor, Ormond and Dooman families who have received notice of the severance.

Their concern is with respect to maintenance of Waller Lane has it has been somewhat haphazard in the recent past and now with a potential new owner in the mix, it might be opportune that a condition in the severance to recommend a maintenance agreement be entered into by the owners so as to have an amicable situation amongst the residents.

The other question they had was with regard to the unopened road allowance between Concession 4 & 5.

Committee of Adjustment Minutes – January 9, 2014 – page 7

The letter from the law firm of Viner, Kennedy, Frederick, Allan & Tobias was forwarded to our solicitor Tony Fleming of Cunningham, Swan as they relate to legal questions which staff are not qualified to answer. Mr. Fleming confirmed that the committee cannot impose a condition on a private lane regarding maintenance given that the severed lot has access from a public street and he relayed that to Mr. Viner.

Also, with respect to their question on the road allowance, Mr. Fleming also informed them that if his client's want to use the unopened road allowance to access their properties they would require a license agreement.

The committee approved the application with conditions.

Resolution #6

Moved by Jeff Matson

Seconded by Tom Dewey

That Severance Application B-32-13-OS, Lot 29, Conc. 5, Ken & Mark Howes 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.***
- 6. That confirmation is received from the KFL&A Public Health that the new lot can be serviced with an on-site sewage disposal system.***
- 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 the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.***
- 9. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

Carried

Committee of Adjustment Minutes – January 9, 2014 – page 8

The next application being heard was consent application B-18-13-HI, Pt. Lot 10, Concession 2, Ron Moore which has been revised.

Cathy MacMunn, Secretary Treasurer mentioned that the previous application was to create a new lot and since Mr. Moore's property adjacent to Road 38 (part 4 and 5 on plan 13R-18801) is considered one lot and is separate from the remainder of his lands west of the K&P Trail he does not require a severance and can sell the land as one parcel. Therefore, his lawyer has advised that he only requires a right of way over Part 4 so that his lands west of the K&P Trail have access.

Therefore, Mr. Moore revised his application to grant a right of way over an existing laneway and is now come back in front of the committee.

There was a discussion on whether or not Mr. Moore will require a right of way over the K&P Trail from Frontenac County as they own the trail. Mr. Moore's lawyer will be looking after this with the County and the process of him acquiring a right of way.

Comments from KFL&A Public Health and the Quinte Conservation Authority are not required for granting of a right of way.

Those members who were present at the first hearing were the only members who can discuss the application and vote on it.

The committee approved the application with conditions.

Resolution #7

Moved by John Purdon

Seconded by Jeff Matson

That Severance Application B-18-13-HI, Pt. Lot 10, Conc. 2, Ron Moore 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 confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.***

Carried

Committee of Adjustment Minutes – January 9, 2014 – page 9

The last application coming before the committee was consent application B-25-13-HI, Pt. Lot 8, Concession 3, Frank & Lori Domen.

Cathy MacMunn, Secretary Treasurer led the committee through the application. Consent application B-25-13-HI is being severed as a new waterfront lot and has a dwelling on it. The severed parcel has 170 m of frontage on Cole Lake and a depth of 80 m.

The proposed consent application is being severed as a new lot which exceeds the required water frontage and lot size for a lot within the Waterfront District.

There is an existing right of way which services the retained lands the severed lands as well as a couple of other lots to the west of the proposed new lot. The applicant is proposing to use Giles Lane as access instead of creating a new entrance and extending the lot line along the Clow Road.

Staff, have reviewed this application and with the condition of Giles Lane recommends that the applicant enter into a development agreement with the municipality to address the Public Works Manager's recommendations and allow them the opportunity to complete the necessary works. Also, there is a dwelling on the parcel which will not impact the water any more than it presently exists and therefore have no concerns with the approval of this.

Those members who were present at the first hearing were the only members who can discuss the application and vote on it.

KFL&A Public Health: No objections to the proposed severance with a dwelling and septic system.

Quinte Conservation Authority: A report was not submitted prior to the meeting.

The committee approved the application with conditions.

Resolution #8

Moved by Jeff Matson

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.***

Resolution #8 cont'd:

6. *That the applicant enter into a development agreement under Section 51 (26) of the Planning Act with the municipality to address the following:*
 - a) *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;*
 - b) *That the owner not use the existing structure for any purpose until such time as the dwelling has been constructed; and further, 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

No further planning business was brought forth.

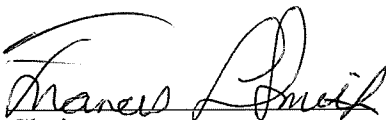
Resolution #9

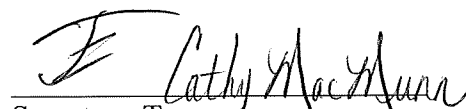
Moved by Tom Dewey

Seconded by Jeff Matson

That this meeting be adjourned until 6:00 p.m. February 13, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried


Chairperson


Secretary-Treasurer

Corporation of the Township of Central Frontenac

COMMITTEE OF ADJUSTMENT

Resolutions for January 9, 2014

(Sharbot Lake)

Resolution # 1

Moved by

Seconded by

THAT FRANCES SMITH be elected Chair of the Committee of Adjustment for 2014.

Carried

Deferred

Refused

Chairperson

Resolution # 2

Moved by [Signature] Seconded by [Signature]

THAT the agenda be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 3

Moved by [Signature] Seconded by [Signature]

THAT the minutes of November 14th and December 12, 2013 be adopted as

Presented ✓

Amended _____

Carried ✓

Deferred _____

Refused _____

Chairperson [Signature]

Resolution # 4

Moved by [Signature] Seconded by [Signature]

That Severance Application B-30-13-OS, Pt. Lot 4, Conc. 2, John & Ada Jarvis 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 ✓
Deferred _____
Refused _____

Chairperson [Signature]

Resolution # 5

Moved by

[Handwritten signature]

Seconded by

[Handwritten signature]

That Severance Application B-31-13-OS, Pt. Lot 4, Conc. 2, John & Ada Jarvis 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.*
6. *That confirmation is received from the KFL&A Public Health that the new lot can be serviced with an on-site sewage disposal system.*
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 the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.*
9. *That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.*

Carried ✓

Deferred _____

Refused _____

Chairperson

[Handwritten signature]

Resolution # 6

Moved by

[Signature]

Seconded by

[Signature]

That Severance Application B-32-13-08, Lot 29, Conc. 5, Ken & Mark Howes 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 5% of the value of land, pursuant to Section 51.1 of the Planning Act, R.S.O. 1990.
6. That confirmation is received from the KFL&A Public Health that the new lot can be serviced with an on-site sewage disposal system.
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:
 - ii) Maintain the sewage disposal system to be constructed on the property in good working order and to have it pumped out and the sludge disposed of at regular intervals by a licensed sewage hauler.
8. That the applicant(s) must ensure that an entrance permit and civic address is applied for through the Public Works Department.
9. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

Carried ✓

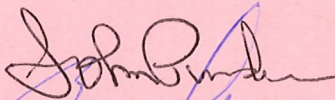
Deferred _____

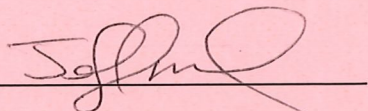
Refused _____

Chairperson

[Signature]

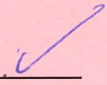
Resolution # 7

Moved by 

Seconded by 

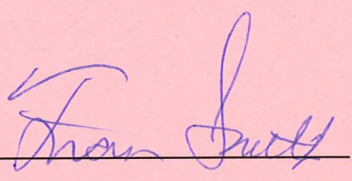
That Severance Application B-18-13-HI, Pt. Lot 10, Conc. 2, Ron Moore be approved subject to the following conditions:

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

Carried 

Deferred _____

Refused _____

Chairperson 

Resolution # 8

Moved by

[Signature]

Seconded by

[Signature]
[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 following:*
 - a) *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;*
 - b) *That the owner not use the existing structure for any purpose until such time as the dwelling has been constructed;*

and further, 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]

Also, the intent of the official plan is to allow for the development of waterfront properties that provide a residential living environment. The extension of an existing cottage to provide a second bedroom is a reasonable improvement to the property; however, to compensate for the increased impact on the ecological values of the Ribbon-of-Life, re-naturalization of the shoreline is essential through a revegetation program. The first test will be met through the implementation of the replanting program where the area of the revegetation equals or exceeds the area of the extension since the extension is located entirely within the 30 m setback. The revegetated area must equal or exceed 32.5 m².

2. General intent and purpose of the zoning by-law is comparable to the official plan, 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 cottage extension, the applicant should be required to enter into a site plan agreement to provide for the revegetation program is undertaken. To minimize the impacts of the extension it should be noted that a deck is not included in this application and must not be constructed adjacent to the extension as it would contravene the zoning by-law. The application will meet the second test if the measures for naturalization are undertaken through the requirements for a development agreement.

3. The impact of this development can only be mitigated in meeting the test of minor if the applicant complies with the requirement to restore the ecological function of the Ribbon-of-Life through a development agreement then the third test will be met.

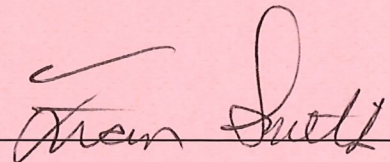
4. Is the building or structure desirable for the appropriate development or use of land? The provision of larger cottage with two bedrooms vs. one bedroom is a reasonable and conventional form of development for a lakeside residential use; however the development should not compromise the objective 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



Resolution # 9

Moved by [Signature] Seconded by [Signature]

That this meeting be adjourned until 6:00 p.m. February 13, 2014 at the Soldiers Memorial Hall, Sharbot Lake.

Carried

Deferred

Refused

Chairperson [Signature]

iv) Wetlands shall remain undisturbed.

B) That no residential structure ^{should} ~~shall~~ be constructed within 300 metres of Highway 7 without first obtaining an acoustical study prepared by a qualified consultant and implementing the recommendations of the study to ensure that noise and vibration levels at the proposed dwelling will meet provincial standards and; *that a noise warning be placed on title.*

C) That no development shall occur within 300 metres of the high water mark until such time as the owner conforms to all applicable provisions of the Official Plan and the severed lot is rezoned.

8. ~~8.~~ That the portion of the severed lands within 300 metres of the waterfront of Twin Lake be rezoned to prohibit development.

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

Carried ✓
Deferred
Refused

Chairperson *Frank Smith*