

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT**



**MINUTES 16:07
August 11, 2016**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Ron Sleeth (Storrington District-C)
David Hahn (Bedford District)
Larry Redden (Portland District)
John Sherbino (Loughborough District)
Mark Schjerning (Loughborough District-C)

ABSENT WITH REGRETS: Alan Revill (Bedford District-C)
John McDougall (Portland District-C)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Jennie Kapusta – Deputy Secretary Treasurer

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Item # 1: Call to Order

RESOLUTION: C of A: 16:07:01

Moved by: J. Sherbino

Seconded by: M. Schjerning

THAT the August 11, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:05 p.m. with Larry Redden in the Chair.

Carried

Item # 2: Adoption of Agenda

Approved as circulated

Item # 3: Declaration of Pecuniary Interest

None declared

Item # 4: Approval of Minutes

RESOLUTION: C of A: 16:07:02

Moved by: J. Sherbino

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the July 14, 2016 meeting of the Committee, as circulated.

Carried

Item # 5: MV-21-16-S (deWolde)

Speaking to the Application: None

Discussion:

This item was originally brought to the committee in June, 2016. It was deferred until the applicant could provide a satisfactory slope stability study.

The subject land consists of 1.0 +/- acres with frontage on Northshore Road and Loughborough Lake. The lot is currently developed with a single detached dwelling. The proposal is for the construction of a swimming pool to be located a minimum of 10m from the top of a defined steep slope.

The by-law does not permit the construction of any structures within 15 m from the top of any embankment, for the purpose of reducing adverse effects on the environment and ensuring the stability of the slope and proposed structure.

Cataraqui Region Conservation Authority has no objections as the proposal is outside their regulated area.

RESOLUTION: C of A: 16:07:03

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-21-16-S by Jessica & Mark deWolde, to permit construction within the 15m setback from top of bank, in Concession 6, Part Lot 2, North Shore Road, District of Storrington, subject to conditions.

Carried

Application No: MV-21-16-S
Owner: Mark and Jessica deWolde
Location of Property: Concession 6, Part Lot 21, 4708 North Shore, Perth Road, District of Storrington, Township of South Frontenac
Purpose of Application: To vary Section 5.8.2 of the Comprehensive Zoning By-law to permit construction within 15 metres of top of slope
Date of Hearing: June 9, 2016
Date of Decision: August 11, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the construction of a new 14 ft. by 28 ft. pool plus concrete deck to be located a minimum of within the 15m setback from the top of bank on Loughborough Lake.
2. No other construction shall be permitted within the 15m setback from the embankment of Loughborough Lake.
3. Minor variance MV-21-16-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

Item # 6: S-30-16-L (Silver)

Speaking to the Application: None

Discussion:

The subject lands consist of 11.5 +/- acres with frontage on Little Long Lake Road and Mica Lake.

The land is currently undeveloped. The proposal is for a 4.9 +/- acre parcel with a minimum of 76m of frontage along Little Long Lake Road and a minimum of 91m of frontage along Mica Lake.

Neither roads nor public health have any objections. Conservation has no objections. L. Mills confirmed that although historically this section of Little Long Lake Road was not winter maintained it is now being maintained year-round; as such this severance application is now possible. Both the severed and retained parcels will need to be rezoned from Rural to Residential Waterfront to reflect the smaller size of the newly created parcels.

RESOLUTION: C of A: 16:07:04

Moved by: M. Schjerning

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-20-16-B by Darryl Silver, to create a new lot, in Concession 8, Part Lot 6, Little Long Lake Road, District of Loughborough, subject to conditions.

Carried

Application No: S-30-16-L
Owner: Darryl Silver
Location of Property: Concession 8 Pt. Lot 11, Little Long Lake Road, District of Loughborough, Township of South Frontenac
Purpose of Application: Creation of a new lot
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The lot to be created by Consent Application S-30-16-L shall be for a 4.9 +/- acre lot with a minimum of 250 metres of frontage on Little Long Lake Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being created, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the new parcel in lieu of parkland [*Planning Act*, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall rezone the lot created through Consent Application S-30-16-L and the retained parcel from Rural (RU) to Limited Service Residential Waterfront (RLSW) zone to reflect the smaller lot sizes. Please planner Lindsay Mills to begin this process.
8. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which deals with the Township's environmental policies, as well as the requirement for the owner to contact the Cataraqui Region Conservation Authority prior to any development on the property, to determine the need for a permit.

Item # 7: S-31-16-P (Hoekstra)

Speaking to the Application: None

Discussion:

The subject lands consist of 68 +/- acres with frontage on Long Swamp Road and German Road. The land is currently developed with a single detached dwelling and multiple agricultural out buildings. The application is to sever the land to create a 3.4 +/- acre lot on the northwest corner of the existing lot with frontage on both Long Swamp Road and German Road.

As the proposed new lot is already developed with a house and barn, requires no new entrance, does not front on a waterbody and the proposed lot line is not near the septic system, comments from Roads, Public Health and Conservation were not required.

There is a barn located along German Road but as the severed parcel already contains a dwelling and accessory buildings, there was no requirement for a Minimum Distance Separation calculation to be performed.

RESOLUTION: C of A: 16:07:05

Moved by: J. Sherbino

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-31-16-P by John Hoekstra, to create a new lot, in Concession 8, Part Lot 21, Long Swamp Road, District of Portland, subject to conditions.

Carried

Application No: S-31-16-P
Owner: John Hoekstra and Matthew Hoekstra
Location of Property: Concession 8, Pt. Lot 21, Long Swamp Road, District of Portland, Township of South Frontenac
Purpose of Application: To create a new residential lot
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].

2. The land to be severed by Consent Application S-31-16-P shall be for a 3.4 +/- acre new lot only, with a minimum of 76m road frontage on Long Swamp Road and German Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [Planning Act, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

Item # 8: S-32-16-P, S-33-16-P, S-34-16-P (Hoekstra)

Speaking to the Application: None

Discussion:

The subject lands consist of 196.8 +/- acres with frontage on Long Swamp Road. The land is currently developed with agricultural buildings but no dwelling. The proposal for Lot 1 is for a 2.0 +/- acre lot on the southeast corner of the existing lot, with frontage on Long Swamp Road on two sides of the lot. The proposal for Lot 2 and Lot 3 is for a 2.0 +/- acre lot each both with a minimum of 76m of frontage on Long Swamp Road.

The Roads department has no objections. Public Health has no objections.

Comments were not required from conservation.

There is a designated aggregate area to the southeast of the proposed lots but it is located at a distance of 566m so outside the area of influence.

RESOLUTION: C of A: 16:07:06

Moved by: D. Hahn

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-32-16-P by John Hoekstra, to create a new lot, in Concession 8, Part Lot 20, Lo9ng Swamp Road, District of Portland, subject to conditions.

Carried

RESOLUTION: C of A: 16:07:07

Moved by: M. Schjerning

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-33-16-P by John Hoekstra, to create a new lot, in Concession 8, Part Lot 20, Long Swamp Road, District of Portland, subject to conditions.

Carried

RESOLUTION: C of A: 16:07:08

Moved by: D. Hahn

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-34-16-P by John Hoekstra, to create a new lot, in Concession 8, Part Lot 20, Long Swamp Road, District of Portland, subject to conditions.

Carried

Application No: S-32-16-P, S-33-16-P, S-34-16-P
Owner: John Hoekstra and Matthew Hoekstra
Location of Property: Concession 8, Pt. Lot 20, Long Swamp Road, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create three new lots
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions**CONDITIONS**

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-32-16-P shall be for a minimum 2.0 acre new lot only, with a minimum of 76m of frontage along Long Swamp Road.
3. The land to be severed by Consent Application S-33-16-P shall be for a minimum 2.0 acre new lot only, with a minimum of 76m of frontage along Long Swamp Road.
4. The land to be severed by Consent Application S-34-16-P shall be for a minimum 2.0 acre new lot only, with a minimum of 76m of frontage along Long Swamp Road.
5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
6. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
7. The Township of South Frontenac shall receive 5% of the value of each of the severed parcels in lieu of parkland [*Planning Act*, s. 51(1)].
8. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:

- a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
- b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
- e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

Item # 9: S-35-16-B (Sunstrum)

Speaking to the Application: Roy Sunstrum

Discussion:

The subject lands consist of 7.0 +/- acres with frontage on Wolfe Lake and Lee Lane. The land is currently developed with a seasonal dwelling. The application is for the adjustment of 180 feet of the 395 feet surveyed portion of the existing lane/right-of-way to match the actual travelled route. The surveyed location for the right-of-way is approximately 65 north of the travelled location. The applicant is interested in constructing an accessory building in the current location of the surveyed right-of-way and needs to make this adjustment to facilitate this project.

Comments were not required from public health, roads, or conservation.

RESOLUTION: C of A: 16:07:09

Moved by: M. Schjerning

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-35-16-B by Roy & Margret Sunstrum, to create a right-of-way, in Concession 11, Part Lot 26, Lee Lane, District of Bedford, subject to conditions.

Carried

Application No: S-35-16-B
Owner: Roy and Margaret Sunstrum
Location of Property: Concession 11, Pt. Lot 26, 1241 Lee Lane, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a right-of-way
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the right-of-way in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-35-16-B shall be for a 180 foot +/- long right-of-way, surveyed to a minimum width of 20m as per the Township of South Frontenac private lane standards.
3. Payment of the balance of any outstanding taxes and local improvement charges shall

be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)

- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
- 5. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
- 6. The right-of-way shall be surveyed and constructed according to the Township's standards for new private lanes. The right-of-way access shall be recognized on the deed of the lot(s) to be accessed and the property over which it passes.

Item # 10: S-36-16-P, S-37-16-P (Gemmill)

Speaking to the Application: Corey Gemmill & Tracey Wakelam

Discussion:

The subject lands consist of 112.2 +/- hectares (277 acres) with frontage on Miller Road. The land is currently developed with a single detached dwelling and several agricultural outbuildings. The proposal for Lot 1 (western lot) is for a minimum 2 acre parcel with 300 feet of frontage on Miller Road. The proposal for Lot 2 (eastern lot) is for a minimum 2 acre parcel with 250 feet of frontage on Miller Road. The boundary between these two lots will be an established drainage ditch. The applicant has also proposed a 50 foot wide right-of-way along this ditch, 25 feet on each side, to facilitate them continued access to the ditch for the purposes of maintenance. The applicant has also proposed a 20m (66 foot) wide gap between the westernmost edge of Lot 1 and the existing lot line for the property at 4338 Miller Road. This gap is to facilitate access to the fields in behind the proposed lots, which currently gains access over the proposed lots.

The Roads department has no objections. Public health has no objections.

Comments from conservation were not required.

Township Planner L. Mills stated he is unable to support the proposed 20m (66 foot) gap between the existing lot at 4338 Miller Road and the lot to be created by consent application S-36-16-P (western lot) but would be able to support this access as a registered right-of-way or easement. He recommended that as submitted the committee should approve consent application S-37-16-P and deny consent application S-36-16-P. If the applicant was agreeable to altering the application for the 20m space to become a right-of-way Mr. Mills would then be able to support the severance application S-36-16-P.

C. Gemmill said he wanted to retain ownership of both the 66 foot space and 55 foot space as opposed to the creation of any easements, but amended his original applications after discussions with Mr. Mills. He said the 66 foot gap was to allow access to a rear field that is currently accessed via the lot to be created through application S-36-16-P and the 55 foot gap was to allow control over the drainage ditching that served to drain the retained portion of the property.

D. Hahn said that easements and rights-of-way in cases like this create confusion for future property owners; whereas definite property lines and spacing made more sense. He was in support of Mr. Gemmill owning both strips of land versus the creation of any rights-of-way or easements.

M. Schjerning agreed with Mr. Hahn on ownership versus easements on property with regards to potential for confusion.

J. Sherbino stated he also was in total agreement with Mr. Hahan and Mr. Schjerning regarding the easements.

RESOLUTION: C of A: 16:07:10

Moved by: D. Hahn

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby amends consent applications S-36-16-P and S-37-16-P by Corey Gemmill & Tracey Wakelam, to reflect the inclusion of a 66 foot gap for field access and a 55 foot gap for the drainage ditch, in Concession 13, Part Lot 10/11, Miller Road, District of Portland.

Carried

RESOLUTION: C of A: 16:07:11

Moved by: D. Hahn

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-36-16-P by Corey Gemmill & Tracey Wakelam, to create a new lot, in Concession 13, Part Lot 10/11, Miller Road, District of Portland, subject to conditions.

Carried

RESOLUTION: C of A: 16:07:12

Moved by: J. Sherbino

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-36-16-P by Corey Gemmill & Tracey Wakelam, to create a new lot, in Concession 13, Part Lot 10/11, Miller Road, District of Portland, subject to conditions.

Carried

Application No: S-36-16-P, S-37-16-P
Owner: Corey Gemmill and Tracey Wakelam
Location of Property: Concession 13 Pt. Lot 10/11, Miller Road, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create two new lots
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].
2. The lot to be created by Consent Application S-36-16-P shall be for a minimum 2 acre parcel with 300 feet of frontage on Miller Road.
3. The lot to be created by Consent Application S-37-16-P shall be for a minimum 2 acre parcel with 250 feet of frontage on Miller Road.
4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
5. In the event that there are abandoned wells located on the property being created, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the new parcel, for each of the severed parcels, in lieu of parkland [*Planning Act, s. 51(1)*].
7. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner’s expense;
- e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

Item # 11: S-38-16-S (Day)

Speaking to the Application: Michael Davidson

Discussion:

The subject lands consist of a total of 1.2 +/- acres frontage on Atkins Lane. The land is currently vacant. The application is for the creation of a 0.14 +/- acre lot addition to the west side of a 0.5 acre lot with frontage on Aitkens Lane and Cranberry Lake. This application is pending approval of a closing of a road allowance, which is proposed to be added to the lot being enlarged. The enlarged lot size would not be the current standard of 2.5 acres in size; however, it would be closer than it is currently.

As this lot addition is on a private lane and not near any existing septic systems comments from public health and roads were not required.

Conservation has no objections to the application as submitted.

A decision on the road closing was deferred at the latest council meeting. Until this is resolved the Committee of Adjustment cannot proceed with a decision regarding the proposed lot addition.

RESOLUTION: C of A: 16:07:13

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-38-16-S by David & Lilian-Anne Day, to create a lot addition, in Concession 8, Part Lot 18, Atkins Lane, District of Storrington, until council decides on the road closing at the September meeting.

Carried

Item # 12: S-39-16-S (Jackson)

Speaking to the Application: None

Discussion:

The subject lands consist of 30.4 +/- hectares (77 acres) with frontage on Battersea Road. The land is currently developed with a single detached dwelling, garage and multiple agricultural outbuildings. The proposal is to create new 6.7 +/- hectare lot encompassing the existing structures. This new lot is proposed to have 338m of frontage along Battersea Road.

Comments from public health and conservation are not required.

Roads department has no objections.

RESOLUTION: C of A: 16:07:14

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-39-16-S by June Jackson, to create a new lot, in Concession 12, Part Lot 23/24, Battersea Road, District of Storrington, subject to conditions.

Carried

Application No: S-39-16-S
Owner: June Jackson
Location of Property: Concession 12, Pt. Lot 23/24, 7084 Battersea Road, District of Storrington, Township of South Frontenac

Purpose of Application: Creation of a new lot
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-39-16-S shall be for a 6.7 +/- hectare lot with a minimum of 330 metres frontage on Battersea Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [*Planning Act*, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

Item # 13: MV-24-16-B (Boon)

Speaking to the Application: None

Discussion:

The subject land consists of a 1.0 +/- acre lot with frontage on Thirty Island Lake and Freds Place Lane. The lot is currently developed with a single detached seasonal dwelling. The proposal is for the construction of a 16ft x 16ft (256 square feet) sunroom addition to the southwest side of the existing dwelling. The proposed addition will be set back 25 metres from the high-water mark of Thirty Island Lake and will not encroach on the HWM any farther than the existing dwelling. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse

effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. Given the location of the existing dwelling, this setback cannot be met.

Quinte Conservation Authority has no objections to the application as submitted, but has indicated the applicant will need to obtain a permit from them prior to construction.

Comments from Public Health were not required.

RESOLUTION: C of A: 16:07:15

Moved by: D. Hahn

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-24-16-B by Mike & Mary Anne Boon, to permit construction within the 30 metre setback from water, in Concession 3, Part Lot 5, Freds Lane, District of Bedford, subject to conditions.

Carried

Application No: MV-24-16-B
Owner: Mike and Mary Anne Boon
Location of Property: Concession 3, Part Lot 5, 140 Freds Place Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary Section 5.8.2 of the Comprehensive Zoning By-law to permit construction within 30m of the HWM
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

1. **This minor variance is for the construction of a maximum 260 square foot footprint sunroom addition to the existing dwelling. The proposed addition is to be located a minimum of 25m from the high water mark of Thirty Island Lake.**
2. **No other construction shall be permitted within the 30m setback from the HWM of Thirty Island Lake.**
3. **Minor variance MV-24-16-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
4. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
5. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental and limited service policies, and which specifies that a permit may be required from the Quinte Conservation Authority for the proposed development, and for any shoreline or in-water works.**

Item # 14: MV-25-16-P (Polywkan)

Speaking to the Application: Roman Polywkan

Discussion:

The subject land consists of a +/- 0.54 acre lot with frontage on Knowlton Lake. The lot is currently developed with a two seasonal dwellings, detached garage, and shed. The proposal is to fully enclose a 63 square foot covered porch area in order to convert it to interior living space. This construction has already taken place without approval from either the Building or Planning Departments and is currently the subject of a Building Department proceeding concerning Not Constructing as per Approved Permit Plans. This application is submitted as part of rectifying this issue. The existing dwelling is set back approximately 5 metres from the high water mark of Knowlton Lake. This setback was not reduced, as the construction has taken place on the existing footprint. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in

the preservation of the rural character of the Township. The applicant wishes to increase gross floor area of the dwelling within the 30m setback from the HWM.

Comments from Public Health were not required.

Township Planner L.Mills recommended denial of this application as submitted due to the proximity of the existing dwelling to the HWM of Knowlton Lake and the Highly Sensitive Lake Trout Lake status of the lake. Additionally, this construction was completed without any approvals despite the applicant being advised that such approvals were required.

R. Polywkan said he started his building permit applications in 2015 and was assured at that point they would be allowed to complete renovations to the dwelling but were not permitted to enclose the porch. They were advised that there was a second porch on the side of the dwelling that was permitted provided it was not enclosed. They knew they needed a minor variance for the construction on the water side porch but did not apply for this variance prior to construction taking place. He stated that he had legal documents showing plans where this porch was not an exterior feature and the roofline was continuous. He said that the framer made a mistake when framing this area which made it impossible for it to remain an exterior porch so it was converted into a fireplace area. He said they asked permission for all this in February 2016 but were told no and continued with the construction anyway.

D. Hahn said that despite all the issue with the Building Department and building outside approved permit plans that the Committee should focus only on the application as submitted and apply the 4 principles of a minor variance. He said the variance was desirable for appropriate use of the structure, maintained the general intent and purpose of the Official Plan and Zoning By-law and at 63 square foot increase was indeed a minor variance.

J. Sherbino had a problem with the whole build first, ask permission later attitude described by the applicant and Planning staff. He said he was quite irritated with the applicant for proceeding in this way and disturbed by the fact the applicant was trying to blame the framers for the issue. He said they are employees not decision makers. Despite all this he agreed with D. Hahn on the fact the when considering the application from the perspective of minor variance it was indeed a minor variance.

RESOLUTION: C of A: 16:07:16

Moved by: J. Sherbino

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-25-16-P by Christopher Polywkan & Candice Mihalik, to to permit construction within the 30m setback from water in, Concession 8, Part Lot 1, Knowlton Lake Road, District of Portland, subject to conditions.

Carried

Application No: MV-25-16-B
Owner: Christopher Polywkan and Candice Mihalik
Location of Property: Concession 8, Part Lot 1, 5125 Knowlton Lake Road, District of Portland, Township of South Frontenac
Purpose of Application: To vary Section 5.8.2 of the Comprehensive Zoning By-law to permit construction within 30m of the HWM
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

1. This minor variance is for a 63 square foot increase to gross floor area by enclosing an existing porch on an existing dwelling located 5m from the HWM of Knowlton Lake.
2. No other construction shall be permitted within the 30m setback from the HWM of Knowlton Lake.
3. Minor variance MV-25-16-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

- 5. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township’s environmental and limited service policies, and which specifies that a permit may be required from the Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 15: MV-26-16-B (Carquez)

Speaking to the Application: Mario Carquez

Discussion:

The subject land consists of a 0.35 +/- acre lot with frontage on Burrige Lake and Hillcrest Lane. The lot is developed with two (2) small accessory buildings but no principal dwelling. The proposal is for the construction of a 22 foot by 30 foot single storey dwelling with a walk-out basement. The proposed building will be set back 18.5 metres (60 feet) from the water. The septic system is proposed to be located between the dwelling and Hillcrest Lane. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. Given the limitations in lot size and septic location, this setback cannot be met.

Public health has no objections as a permit for the septic system has already been issued.

Comments from roads were not required.

Conservation has no objections.

RESOLUTION: C of A: 16:07:17

Moved by: D. Hahn

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-26-16-B by Mario Carquez, to permit construction within the 30m setback from water in, Concession 7, Part Lot 23, Hillcrest Lane, District of Bedford, subject to conditions.

Carried

Application No: MV-26-16-B
Owner: Mario Carquez
Location of Property: Concession 7, Part Lot 23, 362 Hillcrest Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary Section 5.8.2 of the Comprehensive Zoning By-law to permit construction within 30m of the HWM
Date of Hearing: August 11, 2016
Date of Decision: August 11, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

1. This minor variance is for the construction of a 22ft x 30ft single storey dwelling with walkout basement. The proposed dwelling is to be located a minimum of 18.5 feet from the high water mark of Burrige Lake.
2. No other construction shall be permitted within the 30m setback from the HWM of Burrige Lake.
3. Minor variance MV-26-16-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
5. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township’s environmental and limited service policies, and which specifies that a permit may be required from the Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 16: MV-27-16-S (McCallum)

Speaking to the Application: Scott McCallum

Discussion:

The subject land consists of a 5.2 +/- acre lot with frontage on Cranberry Lake. The lot is currently developed with a 32 ft. by 22 ft. seasonal dwelling with a 515 square foot deck, three (3) sleeping cabins, two (2) detached accessory buildings (one of which is 15 ft. by 23 ft.) and a 12 ft. by 12 ft. pavilion. The proposal is for the renovation and expansion of the existing cottage which would involve raising the existing dwelling to add a basement plus the construction of 38 ft. by 44 ft. (1400 square feet) 1.5 storey (18 ft. high) plus basement addition and 10 ft. by 27 ft. deck. The existing dwelling is 28 feet from the high water mark of Cranberry Lake. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The additions to the existing structure are proposed to be on the south side of the building, so it will not decrease the setback from the HWM.

There are no records of any permits or minor variances for the sleeping cabins, all three of which are located within the 30m setback.

Public Health has issued a permit for a septic system to accommodate a 3 bedroom dwelling. This permit does not include the square footage of the sleeping cabins as they were not included on the application.

Comments from roads not required.

Conservation has recommended denial of the proposal as submitted. The concerns were the significant amount of construction in proximity to the water.

Planner L. Mills said the proposal was too much, too close to the water. The proposal triples the size of the existing cottage at a distance of 27 feet from the water. He felt there was sufficient space at a greater distance from the water for the proposed construction. He recommended deferral of the application after discussions with the applicant were favourable towards alteration of the proposal.

RESOLUTION: C of A: 16:07:18

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-27-16-S by Scott & Laurie McCallum, to permit construction within the 30m setback from water in, Concession 8, Part Lot 20, Hemlock Hill Lane, District of Storrington, subject to conditions.

Carried

Item # 17: Other Business

None.

Item # 18: Adjournment**RESOLUTION: C of A: 16:07:18**

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the August 11, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:30 p.m. to reconvene at 7:00 p.m. on Thursday, September 8, 2016 or at the call of the Chair.

Carried

 Larry Redden
Chair

 Lindsay Mills
Secretary-Treasurer