

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT**



**MINUTES 16:11  
December 8, 2016**

**LOCATION: South Frontenac Municipal Offices, Sydenham**

**IN ATTENDANCE:** Ken Gee (Storrington District)  
Ron Sleeth (Storrington District-C)  
David Hahn (Bedford District)  
Alan Revill (Bedford District-C)  
Larry Redden (Portland District)  
John McDougall (Portland District-C)  
John Sherbino (Loughborough District)  
Mark Schjerning (Loughborough 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: 16:11:01**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the December 8, 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: 16:10:02**

Moved by: J. Sherbino

Seconded by: M. Schjerning

**THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the November 10, 2016 meeting of the Committee, as circulated.**

Carried

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**Item # 5: MV-31-16-B (Whalen-Browne)**

Speaking to the Application: None

**Discussion:**

This application was originally brought to the Committee in October, 2016 but was deferred pending receipt of a report from K.F.L. & A. Public Health Unit. This report has been received with no objections from Public Health regarding this application.

The subject land consists of a 1.95 +/- acre lot with frontage on Bobs Lake and West Point Lane. The lot is currently developed with a seasonal dwelling (approximately 1000 square feet plus decks). The original proposal was for two small (230 square feet total) additions plus deck extension to the non-water side of the existing dwelling in addition to the construction of a new 115 square foot screen porch, joined by decking to the water-side of the existing dwelling. After discussions with the RVCA and Township staff, the applicant has revised the proposal to remove the screen porch addition, as well as the two small side additions and focus all construction (10 ft. by 32 ft. addition) on the non-water side of 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 fact that the existing building is already located within the legislated setback, meeting the minimum distance from HWM is challenging.

Rideau Valley Conservation Authority no longer has any objections based on the revised proposal, including removal of the screen porch and side additions.

Comments from roads were not required.

**RESOLUTION: C of A: 16:11:03**

Moved by: A. Revill

Seconded by: D. Hahn

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-31-16-B by Patrick & Karen Whalen-Browne, to permit construction within the 30m setback from water, in Concession 4, Part Lot 16, West Point Lane, District of Bedford, subject to conditions.**

Carried

<b>Application No:</b>	MV-31-16-B
<b>Owner:</b>	Patrick & Karen Whalen-Browne
<b>Location of Property:</b>	Concession 4, Part Lot 16, West Point Lane, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To vary Section 5.8.2 of the Comprehensive Zoning By-law to permit construction within 30m of the HWM
<b>Date of Hearing:</b>	October 13, 2016
<b>Date of Decision:</b>	December 8, 2016

**DECISION: VARIANCE APPROVED, subject to conditions**

**CONDITIONS:**

1. **This minor variance is for the construction of a 320 square foot addition to the non-water side of an existing dwelling located a minimum of 65 feet from the HWM of Bobs Lake.**
2. **No other construction shall be permitted within the 30m setback from the HWM of Bobs Lake.**
3. **Minor variance MV-31-16-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 Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.**

**Item # 6: MV-37-16-B (Snelgrove)**

Speaking to the Application: Paul Snelgrove

**Discussion:**

This application was originally brought to the Committee in November, 2016 but was deferred pending receipt of a report from the Cataraqui Region Conservation Authority.

The subject land consists of a 10 +/- acre lot with frontage on Lele Lane and Big Clear Lake. The lot is currently developed with a seasonal dwelling, located a minimum of 18 feet from the high water mark of Clear Lake. The proposal is for the removal of the existing dwelling and the construction of a new dwelling with attached garage (1780 square foot total footprint) to be located a minimum of 34 feet from the HWM of Clear Lake. The applicant has submitted a preliminary Environmental Impact Assessment which was completed by Ontario Lake Assessments. The conclusion of this report is that with the increased setback from the water and the addition of a new fully functioning septic system (to be located greater than 30m from the HWM), coupled with the topographical constraints of the lot and the new building having the same size footprint as the existing, that there would be no adverse effects to Big Clear 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.

Public health has no objections. Comments from roads were not required.

The Cataraqui Region Conservation Authority is recommending denial of this application as submitted based on considerations for natural hazard, natural heritage and water quality policies. CRCA states that there are other more suitable sites on the property that are farther from the high water mark. They have indicated they would be supportive of an alternative proposal which would include relocating the cottage to a minimum distance of 50 feet from the HWM of Big Clear Lake on the northwest side and 70 feet from the HWM of Big Clear Lake on the northeast side.

Planner L. Mills also recommended denial of the application as submitted and said that the development should be located at a distance greater than 50 feet on all sides.

D. Hahn and A. Revill agreed to amend the proposed setbacks to meet the alternative location suggested in the conservation authority’s report.

P. Snelgrove was agreeable to this alternative location for the cottage rebuild.

**RESOLUTION: C of A: 16:11:04**

Moved by: D. Hahn

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-37-16-B by Paul Snelgrove, to create a new lot, in Concession 11, Part Lot 2/3, Lele Lane, District of Bedford, subject to conditions.**

Carried

**Application No:** MV-37-16-B  
**Owner:** Paul Snelgrove  
**Location of Property:** Concession 11, Part Lot 2, Lele 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 the 30m setback from HWM  
**Date of Hearing:** November 10, 2016  
**Date of Decision:** December 8, 2016

**DECISION: VARIANCE APPROVED, subject to conditions**

**CONDITIONS:**

1. **This minor variance is for the construction of a 1780 square foot footprint (including decks) dwelling to be located a minimum of 50 feet from the high water mark of Big Clear Lake on the north side of the structure and a minimum of 70 feet from the high water mark of Big Clear Lake on the east side of the structure.**
2. **Minor variance MV-37-16-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**

3. **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.**
4. **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 # 7: MV-38-15-B (Snelgrove)**

Speaking to the Application: Paul Snelgrove

Discussion:

This application was originally brought to the Committee in November, 2016 but was deferred pending receipt of a report from the Cataraqui Region Conservation Authority.

The subject land consists of a 7.8 +/- hectare (19.2 acres) lot with frontage on Frye Lane and Milk Lake. The lot is currently vacant. The proposal is for the construction of a new dwelling with attached garage (1560 square foot total footprint) to be located a minimum of 43 feet from the high water mark of Milk Lake. The applicant has submitted a preliminary Environmental Impact Assessment which was completed by Ontario Lake Assessments. This report stated that based on the challenging topography of the lot this is the only suitable building envelope. Additionally, the proposed septic bed can be located at a minimum of 30m from the HWM and Milk Lake is not a sensitive trout lake. The report suggested restricting water access to a footpath only, should the variance be approved. The applicant has also submitted a slope stability report completed by SNC-Lavalin which addresses the proximity of the proposed dwelling to the top of bank leading to Milk Lake. The conclusion of this evaluation was that provided appropriate construction techniques were used that the proposed dwelling would not impact the stability of the existing slope. 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.

Public health has no objections. Comments from roads were not required.

Cataraqui Region Conservation Authority recommends denial of this application as submitted based on considerations for natural hazards, natural heritage and water quality policies. The CRCA also states that based on site visits there are alternative locations for development on the property, that while these alternative may not have a water view they are more suitable from an environmental perspective.

Planner L. Mills is ok with the 43 foot setback on the Milk Lake side of the cottage, but would like to see a minimum of a 70 foot setback from the inland wetland area, along with a detailed site plan agreement including conditions from the OLA report.

D. Hahn visited the site and read all public submissions and concerns. He agrees with the 43 foot setback along the northwest side given the ridge of land identified in the environmental reports however would like to see a 100 foot setback on the opposite side where the inland wetland area is located. Additionally, he would like to see a detached garage to reduce the size of the principal building. The proposed location of the septic system at greater than 30 m from all bodies of water was an acceptable situation. Other concerns included the number of trees to be removed for construction of both the access driveway and the building construction along with the impact and precise location of the access driveway along the ridge.

A. Revill visited the site too and concurs with many of the concerns raised by D. Hahn and would like to defer the application until additional members of the committee have a chance to visit the site and the applicant is able to prepare a preliminary site plan agreement including survey locations for structures.

J. Sherbino concurs with the recommendations suggested by the planner and other committee members.

**RESOLUTION: C of A: 16:11:05**

Moved by: A. Revill

Seconded by: D. Hahn

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-38-16-B by Paul Snelgrove to permit construction within the 30m setback from water, in Concession 11, Part Lot 1, District of Bedford, subject to further investigation by the committee and the drafting of a site plan agreement.**

Carried

**Item # 8: MV-41-16-B (Greenwood)**

Speaking to the Application: None

Discussion:

This item was originally brought to the committee in November, 2016 but was deferred pending receipt of a report from K.F.L. & A. Public Health Unit.

The subject land consists of a 1.0 +/- acre island with frontage on Dog Lake. The lot is currently developed with a 786 square foot footprint seasonal dwelling, located 20 feet (6m) from the high water mark of Devil Lake. The proposal is for the demolition of the existing dwelling and construction of a new 858 square foot footprint (26 ft. by 33 ft.) 1.5 storey dwelling (1278 square foot total) to be located a minimum of 20 feet (6m) from the high water mark of Devil 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 report received from Cataraqui Region Conservation Authority discussed the proximity to Devil Lake (a highly sensitive lake), the size constraints of the island, flooding and erosion hazards; the conclusion that based on all information they have no objection to the proposal.

Comments from roads were not required.

Public health has no objections to the application as there is sufficient space to install a septic system.

**RESOLUTION: C of A: 16:11:06**

Moved by: D. Hahn

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-41-16-B by Robert & Marilyn Greenwood, to create permit construction within the 30m setback from water, in Concession 12, Part Lot 6, Greenwood Island, District of Bedford, subject to conditions.**

Carried

**Application No:** MV-41-16-B  
**Owner:** Robert Greenwood, Marilyn Greenwood  
**Location of Property:** Concession 12, Part Lot 6, Greenwood Island, 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 the 30m setback from HWM  
**Date of Hearing:** November 10, 2016  
**Date of Decision:** December 8, 2016

**DECISION: VARIANCE APPROVED, subject to conditions**

**CONDITIONS**

1. **This minor variance is for the demolition of the existing dwelling and construction of a new 858 square foot footprint 1.5 storey dwelling (1278 square foot total) to be located a minimum of 20 feet (6m) from the high water mark of Devil Lake.**
2. **Minor variance MV-41-16-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **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.**
4. **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 # 9: S-59-16-L (Orser)**

Speaking to the Application: Mona Orser

Discussion:

The subject lands consist of a total of 63.7 +/- hectares (157 acres) with frontage on Rutledge Road and Keeley Road. The land is currently developed with a single detached dwelling and several

agricultural outbuildings. The proposal is for the creation of a minimum 2.0 acre residential lot with a minimum of 71m of frontage along Keeley Road. The lot frontage is slightly under the required 76m of road frontage to permit a 20m wide lane along the western side of the proposed lot which will allow the applicant to have access to the fields to the north of the proposed lot.

Roads have no objections.

Public health has no objections.

Comments from conservation were not required.

**RESOLUTION: C of A: 16:11:07**

Moved by: R. Sleeth

Seconded by: J. Sherbino

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-59-16-L by Elwood & Mona Orser, to create a new lot, in Concession 4, Part Lot 9, Keeley Road, District of Loughborough, subject to conditions.**

Carried

**Application No:** S-59-16-L  
**Owner:** Elwood & Mona Orser  
**Location of Property:** Concession 4, Pt. Lot 9, Keeley Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create a new lot  
**Date of Hearing:** December 8, 2016  
**Date of Decision:** December 8, 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-59-16-P shall be for the creation of a minimum 2.0 acre residential lot with a minimum of 71m of frontage along Keeley 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 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 submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-59-16-L.

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**Item # 10: S-62-16-P, S-63-16-P, S-63-16-P (Myllymaki)**

Speaking to the Application: None

**Discussion:**

The subject lands consist of a total of 14.4 +/- hectares (35 acres) with frontage on Hinchinbrooke Road North. The land is currently developed with a single detached dwelling. The proposal for Lot 1 is for the creation of a 4.68 +/- acre residential lot with a minimum of 100m +/- of frontage along Hinchinbrooke Road North and 132m +/- of frontage on Howe's Lake. This lot, while larger than the minimum requirements is subject to two easements for the overhead Hydro One transmission lines; these coupled with the wetland area on the southern portion of the lot reduce the available building area to just over 2.5 acres. The proposal for Lot 2 is for a minimum 2.50 acre lot with a minimum of 76m of frontage of frontage on Hinchinbrooke Road North and a minimum of 91m of frontage on Howe's Lake. The proposal for Lot 3 is for a 2.98 +/- acre lot with a minimum of 76m of frontage on Hinchinbrooke Road North and a minimum of 91m of frontage on Howe's Lake.

There were no objections raised by roads, public health, or conservation.

At the request of the planner L. Mills the applicant adjusted the lot lines to make the proposed parcel shapes more regular and identified a building envelope on the southernmost lot which still respects the hydro easement.

The lots created will be required to be rezoned from Rural to Residential Waterfront.

**RESOLUTION: C of A: 16:11:08**

Moved by: J. McDougall

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-62-16-P by Kari & Anneli Myllymaki, to create a new lot, in Concession 13, Part Lot 5/6, Hinchinbrooke Road, District of Portland.**

Carried

**RESOLUTION: C of A: 16:11:09**

Moved by: J. McDougall

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-63-16-B by Kari & Anneli Myllymaki, to create a new lot, in Concession 13, Part Lot 5/6, Hinchinbrooke Road, District of Portland.**

Carried

**RESOLUTION: C of A: 16:11:10**

Moved by: J. McDougall

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-64-16-B by Kari & Anneli Myllymaki, to create a new lot, in Concession 13, Part Lot 5/6, Hinchinbrooke Road, District of Portland.**

Carried

**Application No:** S-62-16-P, S-63-16-P, S-64-16-P  
**Owner:** Kari & Anneli Myllymaki

**Location of Property:** Concession 13, Pt. Lot 5/6, Hinchinbrooke Road North Road, District of Loughborough, Township of South Frontenac

**Purpose of Application:** Consent to create three (3) new lots

**Date of Hearing:** December 8, 2016

**Date of Decision:** December 8, 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-62-16-P shall be for the creation of a 4.68 +/- acre residential lot with 100m +/- of frontage along Hinchinbrooke Road North and 132m +/- of frontage on Howe's Lake.
3. The land to be severed by Consent Application S-63-16-P shall be for the creation of a minimum 2.5 acre residential lot with a minimum of 76m of frontage along Hinchinbrooke Road North and a minimum of 91m of frontage along Howe's Lake.
4. The land to be severed by Consent Application S-64-16-P shall be for the creation of a minimum 2.5 acre residential lot with a minimum of 76m of frontage along Hinchinbrooke Road North and a minimum of 91m of frontage along Howe's Lake.
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 new 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.

9. The applicant shall rezone the lots created through consent applications S-62-16-P, S-63-16-P and S-64-16-P from Rural (RU) to Residential Waterfront (RW). Please see Planner Lindsay Mills to begin this process.

**Item # 11: S-65-16-S (548883 Ontario Limited)**

Speaking to the Application: None

Discussion:

The subject lands consist of a total of 13.3 +/- hectares (33 acres) with frontage on Hiawatha Lane, Hood Lane and Dog Lake. The land is currently developed with a five (5) seasonal dwellings as a commercial resort and is zoned RRC-4. The proposal is for a 0.9 +/- acre lot addition only to 4004 Hiawatha Lane. This lot addition parcel will need to be rezoned from RRC-4 to RLSW to comply with the zoning of 4004 Hiawatha Lane.

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

**RESOLUTION: C of A: 16:11:11**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-65-16-S by 548883 Ontario Limited, to create a lot addition, in Concession 8, Part Lot 15/16, Hiawatha Lane, District of Storrington, subject to conditions.**

Carried

**Application No:** S-65-16-S  
**Owner:** 548883 Ontario Limited  
**Location of Property:** Concession 8, Pt. Lot 15/16, Hiawatha Lane, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Consent to create a lot addition  
**Date of Hearing:** December 8, 2016  
**Date of Decision:** December 8, 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-65-16-S shall be for the creation of a 0.9 +/- acre lot addition only to 4004 Hiawatha Lane (ARN 102906006004300).
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 applicant shall rezone the lot addition parcel created through consent application S-65-16-S from Recreational Resort Commercial Special Zone 4 (RRC-4) to Limited Service Residential Waterfront (RLSW). Please see Planner Lindsay Mills to begin this process.

**Item # 12: S-66-16-L (Shales)**

Speaking to the Application: None

**Discussion:**

The subject lands consist of a total of 28.7 +/- hectares (71 acres) with frontage on Shales Road. The land is currently vacant. The proposal is for the creation of a 5.6 +/- acre lot with 410m +/- of frontage along Shales Road. The rear lot line is irregular as it follows the defined edge of an unevaluated wetland area. The Cataraqui Region Conservation Authority has no objections to the application provided all future development is limited to the southern portion of the proposed lot, which is divided from the northern portion by a ridge of land, where the land drains away from the wetland area. This will minimise any potential impact of development on the wetland.

The roads department has no objections.

The K.F.L. & A. Public Health has no objections, but has indicated there is a specific location on the proposed lot where the septic system can be located; this location is at the southwest end of the proposed lot.

**RESOLUTION: C of A: 16:11:12**

Moved by: J. Sherbino

Seconded by: M. Schjerning

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-66-16-L by Donald Shales, to create a new lot, in Concession 10, Part Lot 16/17, Shales Road, District of Loughborough, subject to conditions.**

Carried

**Application No:** S-66-16-L  
**Owner:** Donald Shales  
**Location of Property:** Concession 10, Pt. Lot 16/17, Shales Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create a new lot  
**Date of Hearing:** December 8, 2016  
**Date of Decision:** December 8, 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-66-16-L shall be for the creation of a 5.6 +/- acre lot with 410m +/- of frontage along Shales 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 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 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 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.
- f. The applicant shall submit a well driller’s report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-66-16-L.
- g. 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 # 13: S-67-16-L (Rodrigues)**

Speaking to the Application: Joe Rodrigues

Discussion:

The subject lands consist of a total of 11.6 +/- acres with frontage on Wilmer Road. The land is currently vacant. The proposal is for the creation of a 2.7 +/- acre lot with a minimum of 76m of frontage Wilmer Road.

The roads department has indicated that the entrance for the proposed lot must be constructed at the crest of the hill due to limited sightlines.

Public health has no objections.

Comments were not required from conservation.

**RESOLUTION: C of A: 16:11:13**

Moved by: J. Sherbino

Seconded by: M. Schjerning

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-67-16-L by Joe Rodrigues, to create a new lot, in Concession 7, Part Lot 17, Wilmer Road, District of Loughborough, subject to conditions.**

Carried

**Application No:** S-67-16-L  
**Owner:** Joe Rodrigues  
**Location of Property:** Concession 8, Pt. Lot 17, Wilmer Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create a new lot  
**Date of Hearing:** December 8, 2016  
**Date of Decision:** December 8, 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-67-16-L shall be for the creation of a 2.7 +/- acre lot with a minimum of 76m of frontage along Wilmer 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 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.
  - f. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-67-16-L.

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**Item # 14: S-68-16-L (Radford)**

Speaking to the Application: None

**Discussion:**

The subject lands consist of a total of 92.7 +/- hectares (229 acres) with frontage on North Shore Road. The land is currently developed with a single detached dwelling. The proposal is for the creation of an 11 +/- acre lot with a 106m +/- of frontage North Shore Road. The proposed lot will encompass the existing dwelling. The rear lot line of the proposed lot is not within the area of influence for the Provincially Significant Wetland located at the rear of the retained lot; as such comments were not required from conservation.

As there is no new entrance required and the lot lines are not near any septic systems comments from roads and public health were not required.

**RESOLUTION:**                      **C of A: 16:11:14**

Moved by: M. Schjerning

Seconded by: J. Sherbino

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-68-16-L by Paul & Susan Radford, to create a new lot, in Concession 7, Part Lot 23, North Shore Road, District of Loughborough, subject to conditions.**

Carried

**Application No:** S-68-16-L  
**Owner:** Paul & Susan Radford  
**Location of Property:** Concession 7, Pt. Lot 23, North Shore Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create a new lot  
**Date of Hearing:** December 8, 2016  
**Date of Decision:** December 8, 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-68-16-L shall be for the creation of a 11 +/- acre lot with 106m +/- of frontage along North Shore 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 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.

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**Item # 15: MV-28-16-B (Bechard)**

Speaking to the Application: Michael Preston

**Discussion:**

This application was originally submitted in July 2016 but was deferred from coming to the Committee at the request of the applicant due to an early unfavourable report from the Cataraqui Region

Conservation Authority. After reworking the original submission the applicant was able to satisfy the concerns of the CRCA, who now have no objections to the proposal.

The subject land consists of a 24.7 +/- hectares (61 acres) with frontage on Desert Lake. The lot is currently vacant. The proposal is for the construction of a new 3,255 square foot footprint two (2) storey dwelling, to be located a minimum of 82.5 feet (25m) on the northern side and a minimum of 30m on the southern side, from the high water mark of Desert Lake. The proposed location is on a peninsula and on the side which is encroaching into the HWM setback the structure will be up against a large rock ridge that will aid in reducing potential environmental impact. The applicant is also planning on constructing a 300 square foot maximum footprint sleeping cabin, but this will be located entirely outside the 30m setback from the HWM. 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.

Comments from public health have yet to be received, though the applicant has indicated they are planning on installing a new septic system at a minimum distance of 15m from the high water mark of Desert Lake as required by the building code.

**RESOLUTION: C of A: 16:11:15**

Moved by: D. Hahn

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-28-16-B by Robert Bechard and Jamie Maclean, to create a new lot, in Concession 4, Part Lot 28/29, Stinson Lane, District of Bedford, subject to KFLA public health approval.**

Carried

**Item # 16: MV-42-16-L (Laframboise)**

Speaking to the Application: Mike Laframboise

Discussion:

The subject land consists of a 0.48 +/- acres with frontage on Sydenham Lake. The lot is currently developed with a 754 square foot footprint seasonal dwelling, located 2.6 feet (0.8m) from the high water mark of Sydenham Lake, a 98.5 square foot shed and an outhouse. The proposal is for the demolition of the all existing structures and construction of a new 1018 square foot footprint 1.5 storey dwelling, with walkout basement to be located a minimum of 34 feet (10.4m) from the high water mark of Sydenham 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 report from Cataraqui Region Conservation Authority which the applicant submitted at the time of application suggested that should the applicant be able to locate any proposed structure to a minimum horizontal distance of >10.39m it will be outside both the flood and erosion hazard for Sydenham Lake. The report also states that moving the cottage farther back, and up the slope, would require extensive vegetation removal which might destabilise the slope and recommend a slope stability analysis prior to locating a structure in that area.

CRCA has submitted an updated report (dated December 5, 2016) reflecting the details of the minor variance application. This subsequent report takes into consideration the effect on water quality and now recommend deferral until the applicant can prove the proposed location will be a minimum of 6m from the floodplain and provide sufficient rationale as to why this a greater water setback cannot be achieved.

Comments from roads were not required.

Comments from public health have yet to be received, though the applicant has indicated they are planning on installing a new septic system at a greater distance from Sydenham Lake than the proposed cottage, which given the size of the lot could limit the available locations for the cottage. UPDATE: K.F.L.&A. Public Health has denied the application for a Class 4 sewage system and as such does not support the minor variance application as submitted. They have indicated they would be able to approve the installation of a holding tank instead given the constraints of the lot.

M. Framboise indicated he is still hoping for a tertiary system as opposed to a holding tank but will work on alternative design options for sewage treatment.

Planner L. Mills has visited the site and appreciates the challenge with respect to the topography on the lot; however he also noted that the lot is located within the identified Source Water Intake Protection Zone 3 which feeds the municipal water system for the village of Sydenham. Given the size of the proposed structure, the proximity to the high water mark of Sydenham Lake and the

increased overall environmental impact of the proposed development Planner L. Mills is unable to support the application as recommends denial as submitted.

J. Sherbino has also visited the site and met with the applicant. While the proposed reconstruction will be 10.4m from the HWM rather than the required 30m J. Sherbino stated that this is an improvement over the current situation and given the large granite ridge on the property is as far back as the applicant can move the cottage without major grade alterations on the property. As one of the aims of the setbacks is to preserve the natural environment J. Sherbino said that the major works required to increase the setback would have a greater negative environmental impact.

M. Schjerning said that anything would be an improvement over the current situation.

K. Gee concurred that any increase in setback is a good thing.

A. Revill had visited the site and is supportive of the application as submitted as the proposal is an improvement over the current situation.

**RESOLUTION: C of A: 16:11:16**

Moved by: M. Schjerning

Seconded by: J. Sherbino

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-42-16-L by Michael & Candice Laframboise, to permit construction within the 30m setback from water, in Concession 5, Part Lot 7, Sheila Lane, District of Loughborough, subject to conditions.**

Carried

**Application No:** MV-42-16-L  
**Owner:** Michael & Candice Laframboise  
**Location of Property:** Concession 5, Part Lot 7, Sheila Lane, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** To vary Section 5.8.2 of the Comprehensive Zoning By-law to permit construction within the 30m setback from HWM  
**Date of Hearing:** December 8, 2016  
**Date of Decision:** December 8, 2016

**DECISION: VARIANCE APPROVED, subject to conditions**

#### **CONDITIONS**

1. **This minor variance is for the demolition of the existing dwelling, shed and outhouse and construction of a new 1018 square foot footprint 1.5 storey dwelling, with walkout basement to be located a minimum of 34 feet (10.4m) from the high water mark of Sydenham Lake.**
2. **Minor variance MV-42-16-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **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.**
4. **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.**

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#### **Item # 25: Other Business**

The Township received a formal appeal of conditions for consent applications S-52-16-S and S-53-16-S which were granted provisional consent to create an easement for Bell Canada to access existing aerial lines at the November 2016 Committee of Adjustment meeting. The appeal asked for the removal of the \$100 cash in lieu of parkland payment and the requirement to properly close any abandoned wells on the property for both applications.

**RESOLUTION: C of A: 16:11:17**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES a change of conditions to consent application S-52-16-S by William & Deborah Mosier, to remove the requirements for park fee and the closure of abandoned wells.**

Carried

**RESOLUTION: C of A: 16:11:18**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES a change of conditions to consent application S-53-16-S by John & Denise Bell, to remove the requirements for park fee and the closure of abandoned wells.**

Carried

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**Item # 26: Adjournment**

**RESOLUTION: C of A: 16:11:19**

Moved by: M. Schjerning

Seconded by: J. Sherbino

**THAT the December 8, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:40 p.m. to reconvene at 7:00 p.m. on Thursday, February 9, 2017 or at the call of the Chair.**

Carried

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Larry Redden  
Chair

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Lindsay Mills  
Secretary-Treasurer