

TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT



MINUTES 16:06  
July 14, 2016

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: 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: 16:06:01

Moved by: J. McDougall

Seconded by: A. Revill

**THAT the July 14, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Larry Redden in the Chair.**

Carried

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**Item # 2: Adoption of Agenda**

Approved as circulated

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**Item # 3: Declaration of Pecuniary Interest**

None declared

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**Item # 4: Approval of Minutes**

RESOLUTION: C of A: 16:05:02

Moved by: A. Revill

Seconded by: J. McDougall

**THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the June 9, 2016 meeting of the Committee, as circulated.**

Carried

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**Item # 5: MV-18-16-B (MacKay)**

Speaking to the Application: None

**Discussion:**

This item was originally brought to the committee in June, 2016. It was deferred due to non-receipt of a report from Public Health. This report has since been received and Public Health has no objections. The subject land consists of a 1.55 +/- acre lot on Dog Lake. The lot is currently developed with an unused seasonal dwelling. The proposal is for the demolition of the existing dwelling and the construction of a dwelling with a maximum footprint of 2175 square feet including decks, (single story, and no basement permitted) and a detached accessory building with a maximum footprint of 750 square feet (single story, and no basement permitted) to be located a minimum of 15m 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 lot size and shape poses limitations for meeting the setback. The proposed building will be further back from the water than the existing dwelling.

The Rideau Waterway Development Review Team has no objections to the application as submitted. K. Gee visited the site and appreciated how well mapped the site was, which made it very easy to understand the proposal; he had no objections.

R. Sleeth also visited the site and had no objections.

**RESOLUTION: C of A: 16:06:03**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-18-16-S by Derek & Kerry MacKay, to permit construction within the 30m setback from water, in Concession 10, Part Lot 24, Joes Lane, District of Storrington, subject to conditions.**

Carried

**Application No:** MV-18-16-S  
**Owner:** Derek & Kerry MacKay  
**Location of Property:** Concession 10, Part Lot 24, 1107 Joes Lane, District of Storrington, Township of South Frontenac  
**Purpose of Application:** To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30 m of the HWM  
**Date of Hearing:** June 9, 2016  
**Date of Decision:** July 14, 2016

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

**CONDITIONS:**

1. **The variance is for the construction of a dwelling with a maximum footprint of 2175 square feet including decks, (single story, and no basement permitted) and a detached accessory building with a maximum footprint of 750 square feet (single story, and no basement permitted) to be located a minimum of 15m from the high water mark of Cranberry Lake.**
2. **No other structures shall be permitted within the 30m setback from the high water mark of Cranberry Lake.**
3. **Minor variance MV-18-16-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 # 6: MV-20-16-P (Kane)**

Speaking to the Application: None

Discussion:

This application was originally brought to the June, 2016 meeting. It was deferred due to concerns over the distance of the proposed pool from the high water mark.

The subject land consists of a 3.2 +/- acres with frontage on Potspoon Lake. Potspoon Lake is a highly sensitive lake trout 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 35 feet from the high water mark of Postspoon 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.

Quinte Conservation Authority had no objections to the application as submitted.

Comments were not required from public health.

Planner L. Mills was unable to visit the site but wanted the proposed pool to be located father from the HWM if at all possible. At 35 feet he was unable to support the proposal.

A. Revill questioned the size of the proposed pool. It was determined to be approximately 670 square feet.

D. Hahn agreed that 35 feet was too close to the HWM, and wanted to verify the setback distance.

N. Kane said that the actual distance to the HWM was more than 35 feet but he had measured from where Quinte Conservation told him to. He stated the actual distance was closer to 65 feet, as well as being separated by a significant elevation from the height of the water.

There were some discussions regarding the filling and draining of the pool and where the water runoff from this would go and how that could affect the lake.

M. Schjering stated it appeared there was sufficient space to not infringe on the 30m setback. N. Kane and J. Bilow responded that given the slope of the front yard and bylaws prohibiting structures in front of the house this was not possible.

Update: A. Revill, L. Mills and the applicant met on site to verify and discuss actual setback and were able to reach an agreement on a 75 foot setback for the proposed pool. Discussion of the committee agreed this was an acceptable distance.

**RESOLUTION: C of A: 16:06:04**

Moved by: A. Revill

Seconded by: D. Hahn

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-20-16-B by Norm & Donna Kane, to permit construction within the 30m setback from water, in Concession 4, Part Lot 12, Westport Road, District of Bedford, subject to conditions.**

Carried

<b>Application No:</b>	MV-20-16-B
<b>Owner:</b>	Norm and Donna Kane
<b>Location of Property:</b>	Concession 4, Part Lot 12, 2294 Westport Road, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	To vary Section 10.3.1 of the Comprehensive Zoning By-law to permit construction within 30m of the HWM
<b>Date of Hearing:</b>	June 9, 2016
<b>Date of Decision:</b>	July 14, 2016

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

**CONDITIONS:**

1. This minor variance is for the construction of a 27 foot by 39 foot pool to be located a minimum of 75 feet from the high water mark of Potspoon Lake.
2. No other construction shall be permitted within the 30m setback from the high water mark of Potspoon Lake.

3. Minor variance MV-20-16-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.

**Item # 7: S-25-16-S (Taite)**

Speaking to the Application: None

**Discussion:**

The subject lands consist of 24.2 +/- hectares (59 acres) with frontage on Greenfield Road. The land is currently vacant and being used for agricultural purposes. The application is for the creation of a 1.0 +/- acre lot addition to the south side of a 2.0 acre vacant lot with frontage on Greenfield Road (Roll# 1029 060 020 13970).

As the lot addition is not near any existing sewage systems and no new entrance is required, comments were not required from roads or public health.

Comments were not required from conservation.

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

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-23-16-L by Wesley Ilan, to create a new lot, in Concession 8, Part Lot 16, Wilmer Road, District of Loughborough, subject to conditions.**

Carried

**Application No:** S-25-16-S  
**Owner:** Ruth and Ton Taite  
**Location of Property:** Concession 3, Pt. Lot 21, Greenfield Side Road, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Creation of a new lot  
**Date of Hearing:** July 14, 2016  
**Date of Decision:** July 14, 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-25-16-S shall be for a 1.0 +/- acre lot addition only to be added to a vacant property on Greenfield Road (Roll number 1029 060 020 13970).
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)].

**Item # 8: S-27-16-B, S-28-16-B (Hickey)**

Speaking to the Application: None

Discussion:

The subject lands consist of 114 +/- acres with frontage on Buck Bay Road and Fish Creek Road. The land is currently developed with one single detached dwelling an agricultural building and several smaller accessory buildings. The proposal for Lot 1 is for the creation of a 3.0 acre +/- lot with 77m of frontage along Buck Bay Road. The proposal for Lot 2 is for a 149 +/- acre lot with 670m of frontage along Buck Bay Road

Public health has no objections. Roads have no objections.

Comments were not required from conservation.

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

Moved by: D. Hahn

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-28-16-B by Paul Hickey, to create a new lot, in Concession 1, Part Lot 19/20, Buck Bay Road, District of Bedford, subject to conditions.**

Carried

**RESOLUTION: C of A: 16:06:07**

Moved by: A. Revill

Seconded by: D. Hahn

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-28-16-B by Paul Hickey, to create a new lot, in Concession 1, Part Lot 19/20, Buck Bay Road, District of Bedford, subject to conditions.**

Carried

**Application No:** S-27-16-B, S-28-16-B  
**Owner:** Paul Hickey  
**Location of Property:** Concession 1, Pt. Lots 19 & 20, 1521 Buck Bay Road, District of Bedford, Township of South Frontenac  
**Purpose of Application:** Creation of a new lot  
**Date of Hearing:** July 14, 2016  
**Date of Decision:** July 14, 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-27-16-B shall be for a 3.0 +/- acre lot with a minimum of 76 metres frontage on Buck Bay Road.
3. The land to be severed by Consent Application S-28-16-B shall be for a 149.0 +/- acre lot with a minimum of 670 metres frontage on Buck Bay 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 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.

- 6. The Township of South Frontenac shall receive 5% of the value of the severed parcel 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 # 9: S-29-16-L (Dugas)**

Speaking to the Application: None

Discussion:

The subject lands consist of 135 +/- acres with frontage on Bedford Road and Desert Lake Road. The land is currently developed with a single detached dwelling. The proposal is for a 22.5 +/- acre parcel with 325m of frontage along Bedford Road.

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

**RESOLUTION: C of A: 16:06:08**

Moved by: J. Sherbino

Seconded by: R. Sleeth

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-29-16-L by Patricia Dugas, to create a new lot, in Concession 13, Part Lot 7, Bedford Road, District of Loughborough, subject to conditions.**

Carried

**Application No:** S-29-16-L  
**Owner:** Patricia Dugas  
**Location of Property:** Concession 13 Pt. Lots 7, Bedford Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Creation of a new lot  
**Date of Hearing:** July 14, 2016  
**Date of Decision:** July 14, 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-29-16-B shall be for a 22.5 +/- acre lot with a minimum of 76 metres of frontage on Bedford 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:
  - f. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - g. 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;
  - h. 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.*
  - i. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - j. 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 # 10: MV-22-16-L (Pasch)**

Speaking to the Application: Rob & Debra Pasch

**Discussion:**

The subject land consists of a 1.6 +/- acres with frontage on Knowlton Lake. The lot is currently developed with a single detached dwelling. The proposal is for an 8 foot increase in height of an existing 15 ft. by 18 ft. attic/loft space, in a dwelling located 36 feet from the high water mark of Knowlton Lake.

The by-law does not permit height increase 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. However, the building footprint is not being increased.

Public health has no objections.

Cataraqui Region Conservation Authority has already issued a permit for the proposed work.

**RESOLUTION:**                      **C of A: 16:06:09**

Moved by: K. Gee

Seconded by: J. Sherbino

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-22-16-L by Debra & Rob Pasch, to permit construction within the 30m setback from water, in Concession 9, Part Lot 3, Everett Lane, District of Loughborough, subject to conditions.**

Carried

**Application No:** MV-22-16-L  
**Owner:** Debra and Rob Pasch  
**Location of Property:** Concession 9, Part Lot 3, Everett Lane, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** To vary Section 10.3.1 of the Comprehensive Zoning By-law to permit construction within 30m of the HWM  
**Date of Hearing:** July 14, 2016  
**Date of Decision:** July 14, 2016

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

**CONDITIONS**

1. **This minor variance is for an 8 foot increase in height of an existing 15 ft. by 18 ft. attic/loft space, in a dwelling located 36 feet from the HWM of Knowlton Lake.**
2. **No other construction shall be permitted within the 30m setback from the high water mark of Knowlton Lake.**
3. **Minor variance MV-22-16-L 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.**

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**Item # 11: MV-23-16-S (Davidson)**

Speaking to the Application: Michael Davidson

**Discussion:**

The subject land consists of a +/- 0.28 acre lot with frontage on Loughborough Lake. The lot is currently developed with a single detached seasonal dwelling, boat house and shed. The proposal is for the demolition of the existing dwelling, and construction of a 20 foot by 320 foot dwelling and a 15 foot by 22 foot detached accessory building. The proposed dwelling is to be located a minimum of 80 feet from the high water mark of Loughborough Lake. The detached accessory building is to be located a minimum of 5 feet from the rear property line.

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, this setback cannot be met. Furthermore, the proposed dwelling would be constructed with an increased setback from the water than the existing dwelling.

Neither public health nor conservation has any objections.

**RESOLUTION:** **C of A: 16:06:10**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-23-16-S by Michael Davidson, to permit construction within the 30m setback from water, in Concession 1, Part Lot 9, Cedar Ridges Lane, District of Storrington, subject to conditions.**

Carried

**Application No:** MV-23-16-S  
**Owner:** Michael Davidson  
**Location of Property:** Concession 1, Part Lot 12, 5048 Cedar Ridges Lane, 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 30m of the HWM  
**Date of Hearing:** July 14, 2016  
**Date of Decision:** July 14, 2016

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

**CONDITIONS:**

1. This minor variance is for the demolition of the existing dwelling, and construction of a 640 square foot footprint dwelling (2 storeys with no basement) and a 340 square foot footprint detached accessory building. The proposed dwelling is to be located a minimum of 72 feet from the high water mark of Loughborough Lake. The detached accessory building is to be located a minimum of 5 feet from the rear property line.
2. No other construction shall be permitted within the 30m setback from the HWM of Loughborough Lake.
3. Minor variance MV-23-16-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.
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.

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**Item # 15: Other Business**

None.

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**Item # 16: Adjournment**

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

Moved by: A. Revill

Seconded by: J. McDougall

**THAT the July 14, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:30 p.m. to reconvene at 7:00 p.m. on Thursday, August 11, 2016 or at the call of the Chair.**

Carried

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Larry Redden  
Chair

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Lindsay Mills  
Secretary-Treasurer