

TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT



MINUTES 16:04  
May 12, 2016

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: David Hahn (Bedford District)

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

---

**Table of Contents**

Item # 1: Call to Order .....	1
Item # 2: Adoption of Agenda.....	1
Item # 3: Declaration of Pecuniary Interest.....	1
Item # 4: Approval of Minutes.....	1
Item # 5: MV-08-16-B (Thorp-Levitt) .....	2
Item # 6: S-17-16-S (Mahon Equipment) .....	3
Item # 7: S-19-16-P (Rines).....	4
Item # 8: MV-12-16-B (Payette).....	6
Item # 9: MV-13-16-S (Smith) .....	5
Item # 10: MV-14-16-B (McKown) .....	6
Item # 11: Other Business .....	8
Item # 12: Adjournment.....	8

---

**Item # 1: Call to Order**

RESOLUTION: C of A: 16:04:01

Moved by: M. Schjerning

Seconded by: J. Sherbino

**THAT the May 12, 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

---

**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: 16:04:02

Moved by: J. Sherbino

Seconded by: M. Schjerning

**THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the April 12, 2016 meeting of the Committee, as circulated.**

Carried

**Item # 5: MV-08-16-B (Thorp-Levitt)**

Speaking to the Application: None

## Discussion:

This application was originally brought to the Committee in March 2016. It was deferred until Rideau Valley Conservation Authority and committee members could visit the site to conduct a site evaluation.

The subject land consists of a 0.8 +/- acre island in Bobs Lake. The lot is currently developed with a seasonal dwelling. The proposal is for the construction of a 4 ft. by 38 ft. deck extension on the east side of the cottage and a 1.5 ft. by 24 ft. deck extension on the west side of the cottage, along with stairs to a lower 8 ft. by 8 ft. deck platform to be located a minimum of 2.4m (8 ft.) from the high water mark of Bobs 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 location of the existing dwelling and the constraints of the island property make it challenging for the applicant to meet the setbacks in the by-law.

Comments were not required from Roads or Public Health.

RVCA has no objections to the application as submitted. They indicated that given the topography of the property they were more in favour of expanded decks than increased foot traffic on the land.

A. Revill and L. Mills visited the property and agree that the proposed decks are truly minor in nature and support the application.

**RESOLUTION: C of A: 16:04:03**

Moved by: A. Revill

Seconded by: J. McDougall

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-08-16-B by Peter Thorp-Levitt, to permit construction within the 30m setback from water, subject to conditions.**

Carried

<b>Application No:</b>	MV-08-16-B
<b>Owner:</b>	Peter Thorp-Levitt
<b>Location of Property:</b>	Concession 3, Part Lot 20, Round Island, 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 development within 30 m of the HWM
<b>Date of Hearing:</b>	March 10, 2016
<b>Date of Decision:</b>	May 12, 2016

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

**CONDITIONS:**

- 1. The variance is for the construction of a 4 ft. by 38 ft. deck extension on the east side of the cottage and a 1.5 ft. by 24 ft. deck extension on the west side of the cottage, along with stairs to a lower 8 ft. by 8 ft. deck platform to be located a minimum of 2.4m (8 ft.) from the high water mark of Bobs Lake.**
- 2. No other structures shall be permitted within the 30m setback from the high water mark of Bobs Lake.**
- 3. Minor variance MV-08-16-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: S-17-16-S (Mahon Equipment)**

Speaking to the Application: None

**Discussion:**

The subject lands consist of 5.7 +/- acres with frontage on Davidson Road. The land is currently developed with a single detached dwelling and industrial buildings. The application is for the creation of a 2.0 +/- acre lot addition to the west side of the property located at 3970 Davidson Road, owned by Mobile Kitchens Canada. The proposed use of this lot addition is to facilitate an expansion to Mobile Kitchens Canada's existing manufacturing facility. As both the Mahon Equipment and Mobile Kitchens Canada properties are currently zoned UI2, no rezoning of the lot addition parcel will be required.

The lot addition parcel is not near any septic systems or bodies of water and no new entrance is required, as such, comments were not required from conservation, public health or roads.

L. Mills said this is an expansion of an industrial use in a defined hamlet; this is exactly where these types of uses should be encouraged.

K. Gee visited the site and has no objections; we should be encouraging business in the Township.

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

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-17-16-S by Mahon Equipment, to create a lot addition, in Concession 2, Part Lot 19, Davidson Road, District of Storrington, subject to conditions.**

Carried

**Application No:** S-17-16-S  
**Owner:** Mahon Equipment (Derrek Barr)  
**Location of Property:** Concession 2, Pt. Lot 19, Davidson Road, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Creation of a lot addition  
**Date of Hearing:** May 12, 2016  
**Date of Decision:** May 12, 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-17-16-S shall be for a 2.0 +/- acre lot addition with a minimum of 40m of frontage along Davidson Road only to 3970 Davidson 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 \$100 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 # 7: S-19-16-P (Rines)**

Speaking to the Application: Mike Rines

**Discussion:**

The subject lands consist of 27.1 +/- hectares with frontage on Mary Moore Road. The land is currently developed with a single detached dwelling. The application is for the creation of a 380m long right-of-way from Mary Moore Road to access a 160 hectare undeveloped parcel of land. While the undeveloped parcel does have road frontage on Mary Moore Road along the northwest corner, the topography of the land, including several bodies of water, make it challenging to access from this road frontage. Currently both the parcel of land over which the right-of-way will cross and that which it will access are owned by the same family. The proposed location/route for the right-of-way has been used for this purpose for a number of years.

Quinte Conservation has no objections to the proposal as submitted. They have indicated that the applicant will need a permit prior to any construction along the proposed right-of-way.

Comments were not required from public health.

The agent for the applicant, M. Rines asked questions regarding alternative options to the application which had been submitted. After a discussion with the committee M. Rines asked for a deferral to allow time to explore these alternative options.

**RESOLUTION: C of A: 16:04:05**

Moved by: J. McDougall

Seconded by: A. Revill

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application S-19-16-P by Scott Rines, to create a right-of-way, in Concession 14, Part Lot 25/26, Mary Moore Road, District of Portland, subject to conditions.**

Carried

---

**Item # 8: S-20-16-S (VonHausen)**

Speaking to the Application: None

**Discussion:**

The subject lands consist of 5.1 +/- acres with frontage on Round Lake Road. The land is currently developed with a single detached dwelling. The application is for the creation of a 2.0 acre lot with a minimum of 76m frontage along Round Lake Road. There is sufficient frontage and acreage to support this severance.

Comments were not required from conservation. Roads have no objections.

Comments have yet to be received from public health.

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

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-05-16-B by Matthew Kirk, to permit construction within the 30m setback from water, in Concession 6, Part Lot 13, Garter Lake Lane, District of Bedford, subject to conditions.**

Carried

**Item # 9: MV-12-16-B (Payette)**

Speaking to the Application: Steve Payette

**Discussion:**

The subject land consists of a 0.37 +/- acres with frontage on Bobs Lake. The lot is currently developed with a single detached dwelling. The proposal is for the construction of a 12 ft. by 24 ft. single-story accessory building to be located a minimum of 65 feet from the high-water mark of Bobs Lake. At 65 feet the proposed accessory building would not be any closer to the lake 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. The topography and small size of the property make it challenging for the applicant to meet the setbacks in the by-law.

Comments were not required from roads.

Public health has no objections to the application as submitted.

Conservation stated that the building should be moved back a minimum of 2m farther from the lake as there was sufficient room on the lot to accommodate this; additionally all runoff from the proposed structure must be directed away from the water towards the rear of the lot.

A. Revill visited the site and has no objections to the proposal. He supports the increase setback required by the conservation authority.

S. Payette spoke with RVCA and expressed concerns that the increased setback would infringe on the minimum setbacks required by the health unit for septic systems.

After discussion with the committee S. Payette was ok with the additional 2m setback requested by the RVCA; the committee concurred.

**RESOLUTION: C of A: 16:04:07**

Moved by: A. Revill

Seconded by: J. McDougall

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-12-16-B by Stephen & Melissa Payette, to permit construction within the 30m setback from water, in Concession 6, Part Lot 32, Island Drive Lane, District of Bedford.**

Carried

**Application No:** MV-12-16-B  
**Owner:** Stephen & Melissa Payette  
**Location of Property:** Concession 6, Part Lot 32, Island Drive Lane, District of Bedford, 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:** May 12, 2016  
**Date of Decision:** May 12, 2016

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

**CONDITIONS:**

- 1. This minor variance is for the construction of a 12 foot by 24 foot detached accessory building, located a minimum of 72ft from the high water mark of Bobs Lake.**

- 2. No other construction shall be permitted within the 30m setback from the high water mark of Bobs Lake.
- 3. Minor variance MV-12-16-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 # 10: MV-13-16-S (Smith)**

Speaking to the Application: Rick Smith

Discussion:

The subject land consists of a 1.36 +/- acres with frontage on Loughborough Lake. The lot is currently developed with a single detached dwelling and a small accessory building. The proposal is for the demolition of the existing accessory building and the construction of a 30 ft. by 30 ft. single-story accessory building to be located a minimum of 62 feet from the high-water mark of Loughborough Lake. At 62 feet the proposed accessory building would be no closer to the lake than the existing accessory building.

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 location of the existing dwelling and septic system on the lot make it challenging for the applicant to meet the setbacks in the by-law.

Comments were not required from roads or public health.

Conservation has no objection to the application as proposed. Conservation recommended that should the application be approved the existing accessory building be removed, which the applicant has indicated is the plan; additionally that the vegetative buffer between the shoreline and development be maintained, this will be addressed in the site plan agreement.

**RESOLUTION: C of A: 16:04:08**

Moved by: R. SLeeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-13-16-S by Rick Smith, to permit construction within the 30m setback from water, in Concession 10, Part Lot 4/5, Alex MacLean Lane, District of Storrington, subject to conditions.**

Carried

**Application No:** MV-13-16-S  
**Owner:** Rick Smith  
**Location of Property:** Concession10, Part Lot 4/5, Alex McLean 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 construction within 30m of the HWM  
**Date of Hearing:** May 12, 2016  
**Date of Decision:** May 12, 2016

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

**CONDITIONS:**

- 1. The variance is for the demolition of the existing seasonal dwelling and the construction of a 32 ft. by 24 ft. seasonal dwelling to be located a minimum of 15m (50 ft.) from the high water mark of Garter Lake.
- 2. No other structures shall be permitted within the 30m setback from the high water mark of Garter Lake.

3. Minor variance MV-05-16-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 Conservation Authority for the proposed development, and for any shoreline or in-water works.

**Item # 11: MV-14-16-B (McKown)**

Speaking to the Application: None

**Discussion:**

The subject land consists of a 0.93 +/- acres with frontage on Bobs Lake. The lot is currently developed with a single detached dwelling. The proposal is for the removal of the front and rear decks along with the demolition of part the existing structure, a 14 foot by 14 foot three storey turret addition, and the construction of a 22 foot by 14 foot two-storey addition along the west side of the dwelling where the three storey addition had been located.

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 proposed construction does not encroach on the water any farther than the existing structure and the proposal involves the removal of the front deck which actually serves to increase the overall setback.

Conservation had no objections to the application as submitted, as the overall setback will be increased with the removal of the front deck.

Comments were not required from roads or public health.

**RESOLUTION: C of A: 16:04:09**

Moved by: A. Revill

Seconded by: J. McDougall

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-14-16-B by Kevin & Brenda McKown, to permit construction within the 30m setback from water, in Concession 3, Part Lot 21, Riders Lane, District of Bedford, subject to conditions.**

Carried

**Application No:** MV-14-16-B  
**Owner:** Kevin & Brenda McKown  
**Location of Property:** Concession 3, Part Lot 21, Riders Lane, District of Bedford, 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:** May 12, 2016  
**Date of Decision:** May 12, 2016

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

**CONDITIONS:**

1. This minor variance is for the construction of a 14 foot by 22 foot addition to the west side of the existing structure, located a minimum of 42 feet from the high water mark of Bobs Lake.
2. No other construction shall be permitted within the 30m setback from the high water mark of Loughborough Lake.
3. Minor variance MV-14-16-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 # 17: Other Business**

**RESOLUTION: C of A: 16:04:10**

Moved by: M. Schjerning

Seconded by: R. Sleeth

**THAT the South Frontenac Township Committee of Adjustment hereby recommends that reports, agendas etc. for the Committee of Adjustment be posted on CivicWeb in the same manner as the Council and Committee of the Whole; additionally that council pays for iPads for the four non council members of the Committee of Adjustment and training is undertaken for staff and committee members to facilitate easier access to committee information.**

Carried

---

**Item # 18: Adjournment**

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

Moved by: M. Schjerning

Seconded by: J. Sherbino

**THAT the May 12, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:55 p.m. to reconvene at 7:00 p.m. on Thursday, June 9, 2016 or at the call of the Chair.**

Carried

---

Larry Redden  
Chair

---

Lindsay Mills  
Secretary-Treasurer