

TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT



MINUTES 16:08
September 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: 16:08:01

Moved by: J. Sherbino

Seconded by: M. Schjerning

THAT the September 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: 16:08:02

Moved by: K. Gee

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the August 11, 2016 meeting of the Committee, with change to McCallum from Denied to Deferred.

Carried

Item # 5: S-38-16-S (Day)

Speaking to the Application: None

Discussion:

This item was originally brought to the committee in August, 2016. It was deferred until Council approved the Road Closing which abuts this property.

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

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

Conservation has no objections to the application as submitted.

A decision to approve the Road Closing was made at the September 6, 2016 Council meeting. As such this application can now be decided on by the Committee.

RESOLUTION: C of A: 16:08:03

Moved by: K. Gee

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-38-16-S by David & Lillian-Anne Day, to create a lot addition, in Concession 8, Part Lot 18, Atkins Lane, District of Storrington, subject to conditions, including finalising road closing transfer.

Carried

Application No: S-38-16-S
Owner: David and Lillian-Anne Day
Location of Property: Concession 8, Pt. Lot 18, Atkins Lane, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: August 11, 2016
Date of Decision: September 8, 2016

DECISION: PROVISIONAL CONSENT 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-38-16-S shall be for a 0.14 +/- acre lot addition only to be added to 4378 Atkins Lane (Roll number 102906006007410).
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 # 6: S-40-16-P (Ramey)

Speaking to the Application: None

Discussion:

The subject lands consist of 94 +/- acres with frontage on Petworth Road. The land is currently developed with a single detached dwelling and detached accessory building. The proposal is for a four (4) acre lot with 500 feet of frontage along Petworth Road. The retained parcel would have the existing structures on it.

Public Health has no objections. Roads have no objections.

Comments were not required from conservation.

RESOLUTION: C of A: 16:08:04

Moved by: J. McDougall

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-40-16-P by Ross & Coleen Ramey, to create a new lot, in Concession 6, Part Lot 14, Petworth Road, District of Portland, subject to conditions.

Carried

Application No: S-40-16-P
Owner: Ross and Coleen Ramey
Location of Property: Concession 6 Pt. Lot 14, 4677 Petworth Road, District of Portland, Township of South Frontenac
Purpose of Application: Creation of a new lot
Date of Hearing: September 8, 2016
Date of Decision: September 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 lot to be created by Consent Application S-40-16-P shall be for a 4 +/- acre lot with a minimum of 500 feet of frontage on Petworth Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being created, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the new parcel in lieu of parkland [*Planning Act, s. 51(1)*].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

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

Item # 7: S-41-16-B (Bryan & McDermid)

Speaking to the Application: None

Discussion:

The subject lands consist of a total of 1.71 +/- acres with frontage on Etta Lane and White Lake. The land is currently developed with a seasonal dwelling. The application is for the creation of a 0.12 +/- acre lot addition to the south side of a 0.87 acre lot with frontage on Etta Lane and White Lake. The enlarged lot size would not be the current standard of 2.5 acres in size; however, it would be closer than it is currently.

Comments not required from conservation, roads or public health.

RESOLUTION: C of A: 16:08:05

Moved by: D. Hahn

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-41-16-B by Douglas Bryan, Brenda Bryan & Marjorie McDermid to create a lot addition, in Concession 4, Part Lot 13, Etta Lane, District of Bedford, subject to conditions.

Carried

Application No: S-41-16-B
Owner: Douglas Bryan, Brenda Bryan and Marjorie McDermid
Location of Property: Concession 4, Pt. Lot 13, Etta Lane, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: September 8, 2016
Date of Decision: September 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-41-16-B shall be for a 0.12 +/- acre lot addition only to be added to 37 Etta Lane (Roll number 102902004029200).
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-42-16-L (Silver)

Speaking to the Application: None

Discussion:

The subject lands consist of 49 +/- acres with frontage on Rutledge Road. The land is currently developed with a commercial garden centre (Silverbrook Gardens) and a single detached dwelling. The proposal is to sever a 2 acre commercial parcel to build a proposed medical clinic. The required zoning to Commercial has already been approved by Council along with a detailed Site Plan Control document. The proposed new lot will have 76m of frontage on Rutledge Road, and the retained will have 850 feet of frontage.

Public health has no objections as a permit has already been issued.

Roads department has no objections; all issues evaluated as part of rezoning application and subsequent Site Plan Control.

Comments were not required from conservation.

RESOLUTION: C of A: 16:08:06

Moved by: M. Schjerning

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-42-16-P by Darryl Silver, to create a new lot, in Concession 4, Part Lot 2, Rutledge Road, District of Loughborough, subject to conditions.

Carried

Application No: S-42-16-L
Owner: Darryl and Shirley Silver
Location of Property: Concession 4 Pt. Lot 2, Rutledge Road, District of Portland, Township of South Frontenac
Purpose of Application: Creation of a new lot
Date of Hearing: September 8, 2016
Date of Decision: September 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 lot to be created by Consent Application S-42-16-L shall be for a 2 +/- acre lot with a minimum of 76m of frontage on Rutledge Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being created, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the new parcel in lieu of parkland [Planning Act, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the

Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:

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

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

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

Item # 9: S-43-16-P (Pettis)

Speaking to the Application: None

Discussion:

The subject lands consist of a total of 2.65 +/- acres with frontage on Old Fourteen Island Lane and Fourteen Island Lake. The land is currently developed with a cottage and detached accessory building. The application is for the creation of a 0.23 +/- acre lot addition to the north side of a 1.15 acre lot. The applicants propose to use this lot addition in order to build a sleeping cabin and rectify the issue of their storage building being on the neighbour’s property. The addition of this 0.23 acre parcel of land would slightly increase the acreage, which currently meets the required minimum area, but would not alter the road frontage or water frontage of either lot. However, the addition of the parcel will allow for the subject lands as well as the abutting property to become more regular in shape, which is favourable.

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

RESOLUTION: C of A: 16:08:07

Moved by: A. Revill

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-43-16-P by Craig Pettis, to create lot addition, in Concession 13, Part Lot 2, Old Fourteen Island Lane, District of Portland, subject to conditions.

Carried

Application No: S-43-16-P
Owner: Craig and Ruth Pettis
Location of Property: Concession 13, Pt. Lot 2, Old Fourteen Island Lane, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: September 8, 2016
Date of Decision: September 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-43-16-P shall be for a 0.23 +/- acre lot addition only to be added to 3217 Old Fourteen Island Lane (Roll number 102908005005604).
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 # 10: MV-29-16-B (Riddell)

Speaking to the Application: Paul Riddell

Discussion:

The subject land consists of a +/- 1.27 acre lot with frontage on Bobs Lake and Barr Lane. The lot is currently developed with a seasonal dwelling and a detached accessory building. The proposal is for the conversion of the existing screened porch (all screen walls) into a full three-season sunroom with glass windows. The proposal also includes reconstruction of the roofline of the porch and the reconstruction of a set of stairs and landing at the exterior entrance to the porch. The porch area to be reconstructed is 8 feet by 25 feet, and construction will consist of replacing screens with windows, enclosing it to be included as living space. This area of the cottage is presently located 50 feet from the High Water Mark, and the proposed construction will not reduce this setback.

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.

Public Health has no objections.

Comments from roads are not required.

Conservation has no objections to the proposal as submitted. They would like an additional set of stairs and small deck at the shoreline to be removed and the area re-naturalised.

RESOLUTION: C of A: 16:08:08

Moved by: A. Revill

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-29-16-B by Patricia & Paul Riddell, to permit construction within the 30m setback from water, in Concession 3, Part Lot 16, Barr Lane, District of Bedford.

Carried

Application No: MV-29-16-B
Owner: Patricia and Paul Riddell
Location of Property: Concession 3, Part Lot 16, 397 Barr Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary Section 5.8.2 of the Comprehensive Zoning By-law to permit construction within 30m of the HWM
Date of Hearing: September 8, 2016
Date of Decision: September 8, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS

1. This minor variance is for the reconstruction of the existing screen porch into an 8 foot by 25 foot windowed living area, and reconstruction of a set of stairs and small landing area, to be located a minimum of 50 feet from the high water mark of Bobs Lake.

- 2. No other construction shall be permitted within the 30m setback from the HWM of Bobs Lake.
- 3. Minor variance MV-29-16-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 # 11: MV-30-16-B (LaBrie)

Speaking to the Application: Joe Ruffolo (K.B. Homes)

Discussion:

The subject land consists of a +/- 1.18 acre lot with frontage on Devil Lake and McAndrews Lane. The lot is currently developed with a seasonal dwelling. The applicant has undertaken construction without a building permit, or consultation with the appropriate agencies. The construction consists of the removal of the entire 393 square foot screen porch and the construction of a 145 square foot deck plus a 248 square foot three season room with glass windows all located a minimum of 20m (66 ft.) from the high water mark. In addition to this reconstruction a new deck area has also been added to the water-side of the dwelling. This new deck is approximately 650 square feet in size and reduces the setback to the HWM to a minimum of 50 feet.

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 were not required as the overall gross floor area was reduced in favour of a larger outdoor deck.

Cataraqui Region Conservation Authority does not support the application as submitted as they do not support any further encroachment on Devil Lake.

L. Mills recommends deferral of the application until further discussions with the applicant can be had in addition to the completion of an EIS due to the highly sensitive trout lake status of Devil Lake.

D. Hahn initially wanted to deny the application as submitted as he felt the deck addition was just too large and too close to the lake. However, after discussions amongst the committee and the applicants representative he agreed to support a deferral at this time.

A. Revill agreed with a deferral until further environmental studies and discussions with the applicant could be completed.

J. Sherbino had some questions regarding the level and timing of involvement of Mr. Ruffolo considering his knowledge and experience within the construction industry. J. Sherbino was not impressed that this level of demolition and construction had taken place by someone who ought to know better. He was not in favour of a deferral, but wanted to deny the application and have the applicant remove all deck outside the original footprint area.

K. Gee supported deferral until completion of an EIS.

J. McDougall supported deferral until completion of an EIS.

M. Schjerning stated he struggled with the entire asking for permission after the fact aspect but felt the variance needed to be examined separately from the illegal construction issue; he also supported the deferral pending EIS.

RESOLUTION: C of A: 16:08:09

Moved by: D. Hahn

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-30-16-B by Doug LaBrie, to create a lot addition, in Concession 8, Part Lot 18, Atkins Lane, District of Storrington, pending the completion of an Environmental Impact Study with regards to the size of the deck.

Carried

Item # 17: Other Business

None.

Item # 18: Adjournment

RESOLUTION: C of A: 16:08:10

Moved by: M. Schjerning

Seconded by: J. Sherbino

THAT the September 8, 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, October 13, 2016 or at the call of the Chair.

Carried

Larry Redden
Chair

Lindsay Mills
Secretary-Treasurer