



TOWNSHIP OF SOUTH FRONTENAC
PLANNING DEPARTMENT



MINUTES 17:07
August 10, 2017

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: John Sherbino (Loughborough District)
Alan Revill (Bedford District-C)
Ross Sutherland (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: 17:07:01

Moved by: L. Redden

Seconded by: J. McDougall

THAT the August 10, 2017 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:05 p.m. with David Hahn in the Chair.

Carried

Item # 2: Adoption of the Agenda

Approved as circulated

Item # 3: Declaration of Pecuniary Interest

None declared

Item # 4: Approval of Minutes

RESOLUTION: C of A: 17:07:02

Moved By: J. McDougall

Seconded By: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the July 13, 2017 meeting of the Committee, as circulated.

Carried

Item # 5: MV-30-17-S (Savard)

Speaking to the Application: Francois Savard

Discussion:

This application previously came to the July Committee meeting but was deferred to give the applicant time to revise and resubmit an alternative proposal which reduced the total footprint and lot coverage of the proposed dwelling.

There was a minor variance granted previously on this property for a 1500 square foot dwelling to be located a minimum of 54 feet from the high-water mark of Dog Lake. However, it was granted in 2003 and was varying the Township of Storrington's Zoning By-law which was repealed and replaced with the current Township of South Frontenac Comprehensive Zoning By-law 2003-75. The applicant submitted all the original supporting documentation which was in favour of the proposal. Given the time between the original approval and the current submission the proposal was recirculated to the applicable agencies.

The subject land consists of 0.4 +/- acres with frontage on Hideaway Lane and Dog Lake. The property is currently vacant. The ORIGINAL proposal was for the construction of a 2142 square foot footprint dwelling to be located a minimum of 14.6m (48 feet) from the high-water mark of Dog Lake. Included in this footprint is a 744 square foot attached garage, a 196 square foot enclosed screen porch and 280 square feet of decks. The dwelling is proposed to be a single story with a walkout basement facing the lake. The maximum lot coverage permitted for this property is 5% (870 square foot footprint); with a 2142 square foot footprint the proposed dwelling has lot coverage of 12.4%. The applicant has submitted revised plans for the proposed dwelling, reducing the total footprint from 2142 square feet to 1642 square feet which reduces the lot coverage from 12.4% to 9.4%. While reduced in size this proposal still exceeds the maximum 5% permitted by the zoning by-law. The applicant has also increased the setback from the water to 15.46m (50.75 feet) as a result of the reduced footprint. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

The planning department has evaluated the revised proposal and is unable to support the application for an increase in lot coverage over the permitted 5% (870 square feet) but are able to support the reduction in setback from the water due to lot and septic constraints. Staff would be able to support a principal building with a maximum footprint of 870 square feet with both a second story and walkout basement. This would allow the applicant a similar gross floor area as proposed without compromising lot coverage.

Mr. Savard indicated he was not interested in a multi-storey dwelling as this is planned as a retirement property. He said he has already reduced the size of the proposed dwelling as a result of feedback from the CRCA to the size approved in the prior minor variance.

R. Sleeth revisited the site and said he understands the planner's position but also Mr. Savard's desire to have a bungalow and he is willing to support the application at a 1500 square foot footprint. KFL&A Public Health has indicated that should the applicant wish to construct a modest house (200m² or less, 3 bedrooms, 20 plumbing fixtures, 10m in depth) as per the original application then they maintain their prior position of no objection, provided the dwelling is to be located no more than 15m from the high water mark (HWM) of Dog Lake in order to accommodate the required septic system. This location for the septic system is required in order to meet the minimum clearances to both neighbour's wells and the HWM. Should the above noted parameters be exceeded, KFL&A Public Health have stated that the lot would not be able to accommodate both the dwelling and a septic system of suitable size; as such they would recommend denial.

Cataraqui Region Conservation Authority (CRCA) had requested deferral as the size of the current proposal is significantly larger than the original 2003 application and they would like an opportunity for further evaluation of the application. CRCA have indicated that should the applicant reduce the size of the dwelling to that which was approved in the 2003 variance then they would have no objections to the application.

After considering the revised proposal of 1642 square foot footprint, the CRCA has indicated they are unable to support any increase in lot coverage over the 1500 square feet originally approved in 2003 and as such are recommending denial as submitted.

The building department has no objections.

RESOLUTION: C of A: 17:07:03

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES a maximum 1500 square foot minor variance application MV-30-17-S by Donna and Francois Savard, to permit construction within the 30m setback from water, in Concession 8, Part Lot 10, Hideaway Lane, District of Storrington, subject to conditions.

Carried

Application No: MV-30-17-S
Owner: Donna and Francois Savard
Location of Property: Concession 8, Lot/Part Lot 10, Hideaway Lane, District of Storrington, Township of South Frontenac
Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law 2003-75 to permit construction within the 30m setback from water and an increase in lot coverage from 5% to 8.4%
Date of Hearing: July 13, 2017
Date of Decision: August 10, 2017
Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS

1. This minor variance is for construction of a maximum 1500 square foot footprint, single storey dwelling with walkout basement to be located a minimum of 15.46 metres from the high water mark of Dog Lake.
2. Minor variance MV-30-17-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 and Parks Canada – Rideau Canal office for the proposed development, and for any shoreline or in-water works.

Item # 6: S-37-17-S (Poole/Atkins)

Speaking to the Application: Brad Harmsen (agent)

Discussion:

The subject land consists of 176 +/- acres with frontage on Greenfield Road, Loughborough Lake and the Loughborough Lake Provincially Significant Wetland Complex. The lot is developed with a single detached dwelling and multiple detached accessory buildings. The proposal is for the creation of a minimum 2.0 acre residential lot with a minimum of 76m (250 feet) of frontage on Greenfield Road. The retained parcel will encompass all existing structures and have 628 feet of frontage on Greenfield Road left after the creation of the proposed lot. While the subject property has a Provincially Significant Wetland on the property, the proposed lot is outside the minimum required setback for development of 120m from a mapped Provincially Significant Wetland area.

The planning department is able to support the application for the proposed lot.

Cataraqui Region Conservation Authority has no objections.

KFL&A Public Health has no objections.

Public Works has no objections to the application but has indicated that a site meeting will be required prior to obtaining an approved entrance permit due to limited sightlines on Greenfield Road.

The building department has no objections.

RESOLUTION: C of A: 17:07:04

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-37-17-S by Kendall Poole and Evelyn Atkins, to approve a new lot, in Concession 4, Part Lot 20/21, Greenfield Road, District of Storrington, subject to conditions.

Carried

Application No: S-37-17-S
Owner: Kendall Poole, Evelyn Atkins
Location of Property: Concession 4, Lot/Part Lot 20/21, Greenfield Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: August 10, 2017
Date of Decision: August 10, 2017

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-37-17-S shall be for the creation of a minimum 2.0 acre residential lot with a minimum of 76m (250 feet) of frontage on Greenfield Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [Planning Act, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

- The applicant must 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-37-17-S.permit.

Item # 7: S-38-17-S (Poole/Atkins)

Speaking to the Application: Brad Harmsen (agent)

Discussion:

The subject land consists of 176 +/- acres with frontage on Greenfield Road, Loughborough Lake and the Loughborough Lake Provincially Significant Wetland Complex. The lot is developed with a single detached dwelling and multiple detached accessory buildings. The proposal is for the creation of a minimum 2.0 acre residential lot with a minimum of 76m (250 feet) of frontage on Greenfield Road. The retained parcel will encompass all existing structures and have 378 feet of frontage on Greenfield Road left after the creation of the proposed lot. While the subject property has a Provincially Significant Wetland on the property, the proposed lot is outside the minimum required setback for development of 120m from a mapped Provincially Significant Wetland area.

The planning department is able to support the application for the proposed lot.

Cataraqui Region Conservation Authority has no objections.

Comments from KFL&A Public Health have yet to be received.

Public Works has no objections to the application but has indicated that a site meeting will be required prior to obtaining an approved entrance permit due to limited sightlines on Greenfield Road.

The building department has no objections.

RESOLUTION: C of A: 17:07:05

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-38-17-S by Kendall Poole and Evelyn Atkins, to approve a new lot, in Concession 4, Part Lot 20/21, Greenfield Road, District of Storrington, subject to conditions.

Carried

Application No: S-38-17-S
Owner: Kendall Poole, Evelyn Atkins
Location of Property: Concession 4, Lot/Part Lot 20/21, Greenfield Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: August 10, 2017
Date of Decision: August 10, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS

- 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)].
- The land to be severed by Consent Application S-38-17-S shall be for the creation of a minimum 2.0 acre residential lot with a minimum of 76m (250 feet) of frontage on Greenfield Road.
- 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.
- 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.
- 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:
- The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - 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;
 - 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.
 - The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - 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 must 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-38-17-S.

Item # 8: S-39-17-B (Greenslade)

Speaking to the Application: Brad Greenslade

Discussion:

The subject land consists of 37.8 +/- acres with frontage on Green Bay Road, Burr ridge Road Burr ridge Lake. The lot is currently listed as vacant. However during site inspection the building department discovered multiple structures. The proposal is for the creation of a 1.58 +/- acre lot addition approximately 97 feet of frontage on Burr ridge Lake and no road frontage. The retained parcel will be 35 +/- acres in size and will encompass the existing structures.

The planning department is able to support the application for the proposed lot addition.

Comments from Cataraqui Region Conservation Authority, KFL&A Public Health and Public Works were not required.

The building department visited the site and they have no objections to the application. However, during the site visit it was discovered that there multiple structures that appear to have been constructed without any building permits or planning permission. There is a 12.4 foot by 10.3 foot cabin with attached 16.6 foot by 12 foot deck located approximately 12 feet from Burr ridge Lake, plus a 12.2 foot by 8.3 foot shed located approximately 45 feet from Burr ridge Lake. The building department has issued a letter advising the applicant that these structures do not meet the setbacks required by the zoning by-law from the lake, that they are too small to be considered principal structures on the property, that they would have required building permits for construction and as such need to be removed. These structures are located on what would be the retained parcel.

RESOLUTION: C of A: 17:07:06

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-39-17-B by Donald Greenslade, to create a lot addition, in Concession 8, Part Lot 22, District of Bedford, subject to conditions.

Carried

Application No: S-39-17-B
Owner: Donald Greenslade

Location of Property: Concession 7, Lot/Part Lot 22, Green Bay Road/Burridge Road, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: August 10, 2017
Date of Decision: August 10, 2017
DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-39-17-B shall be for the creation of a 1.58 +/- lot addition only to 71 Greenslade Lane (ARN 102901005023553).
3. Prior to the stamping of the deeds for the lot addition created through Consent Application S-39-17-B, the applicant shall remove the illegally built structures.
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 \$100 in lieu of parkland [Planning Act, s. 51(1)].

Item # 9: S-40-17-L (Veryzer/Rapin)

Speaking to the Application: John McLaren

Discussion:

The subject land consists of 38 +/- acres with frontage on Rosedale Road. The lot is currently vacant. The proposal is for the creation of minimum 2.0 acre residential lot with a minimum of 76m (250 feet) of frontage on Rosedale Road. The retained parcel will be 36 +/- acres in size and will have 94 +/- metres of frontage on Rosedale Road.

The planning department is able to support the application for the proposed new lot.

Comments from Cataraqui Region Conservation Authority were not required.

KFL&A Public Health has no objections.

Public Works has no objections to a new entrance.

The building department has no objections.

RESOLUTION: C of A: 17:07:07

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-40-17-L by Krista Veryzer and Paul Rapin to create a new lot, in Concession 6, Part Lot 4, Rosedale Road, District of Loughborough, subject to conditions.

Carried

Application No: S-40-17-L
Owner: Krista Veryzer, Paul Rapin
Location of Property: Concession 4, Lot/Part Lot 6, Rosedale Road, District of Loughborough, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: August 10, 2017
Date of Decision: August 10, 2017
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-40-17-L shall be for the creation of a minimum 2.0 acre residential lot with a minimum of 76m of frontage on Rosedale 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 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 must 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-40-17-L.

Item # 10: MV-33-17-S (Funk)

Speaking to the Application: Ryan and Christina Funk

Discussion:

The subject land consists of 0.94 +/- acres with frontage on Ramparts Road. The property is currently developed with a single detached dwelling. The proposal is for the construction of a 36 foot by 32 foot (1152 square feet) detached accessory building to be located a minimum of 120 feet from the front property line. While the proposed structure meets the required front yard setback the principal building is located at a setback of 140 feet from the front property line; as such this places the accessory building in the front yard contrary to the provisions of the zoning by-law.

Comments from KFL&A Public Health, Cataraqui Region Conservation Authority and Public Works were not required.

The building department has no objections.

RESOLUTION: C of A: 17:07:08

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-29-17-L by Christina Sinclair to permit a reduction in side yard setback, in Concession 5, Part Lot 2, 3080 Rutledge Road, District of Loughborough, subject to conditions.

Carried

Application No: MV-33-17-S
Owner: Ryan & Christina Funk
Location of Property: Concession 10, Lot/Part Lot 12, Ramparts Road, District of Storrington, Township of South Frontenac
Purpose of Application: To vary section 5.24.2 of the Comprehensive Zoning By-law 2003-75 to permit construction of an accessory building in front of the main building
Date of Hearing: August 10, 2017
Date of Decision: August 10, 2017

Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS

1. This minor variance is for construction of a maximum 1155 square foot footprint, single story detached accessory building, no living space permitted, and to be located a minimum of 120 feet from the front property line of 5163 Ramparts Road.
2. Minor variance MV-33-17-S 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.

Item # 11: MV-34-17-P (Engel/Bylsma)

Speaking to the Application: Sean Bylsma

Discussion:

The subject land consists of 20.25 +/- acres with frontage on First Lake Road. The property is currently vacant. The proposal is to reduce the required Minimum Distance Separation from 243 metres to a minimum of 116 metres to permit construction of a residential dwelling. The Minimum Distance Separation (MDS) Formulae are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses. The objective of MDS is to minimize land use conflicts and nuisance complaints related to odour. MDS does not account for other nuisances such as noise or dust. MDS is made up of two separate, but related, formulae that act reciprocally to site both new development and new or expanding livestock facilities. The reason for requesting the minor variance is that the building area outside the MDS setback is flooded and rocky and unsuitable for locating a septic system. The applicant has agreed that should the minor variance be granted, they will enter into an agreement to place covenants on title of the property which acknowledge the reduction in MDS and the limitations of current and future owners to register complaints regarding normal farm practices against the surrounding landowners. KFL&A Public Health have no objections.

Comments from Cataraqui Region Conservation Authority and Public Works were not required.

The building department has no objections.

R. Sleeth questioned whether the registration of conditions would follow the property; answered yes by Planner Mills.

R. Sleeth asked if the construction of this house would affect the ability of the farmer to expand his current operations. As there are existing houses which are closer than the proposed dwelling, the ability for expansion is already limited and this construction will not further impede expansion.

Janet Elliott and Anne Robertson, representing Land Conservancy for Kingston, questioned whether other farmers in the area would be affected by this construction, and said there are lots of cattle in the area already but not barns.

RESOLUTION: C of A: 17:07:09

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-34-17-P by Sean Bylsma and Jennifer Engel, to permit a reduction in MDS for the purpose of construction of a dwelling, in Concession 12, Part Lot , First Lake Road, District of Portland, subject to conditions, including no objections to normal farm practices.

Carried

Application No: MV-34-17-P
Owner: Jennifer Engel, Sean Bylsma
Location of Property: Concession 12, Lot/Part Lot 18, First Lake Road, District of Portland, Township of South Frontenac
Purpose of Application: To vary section 5.35.a. of the Comprehensive Zoning By-law 2003-75 to permit construction of a dwelling within the normally required Minimum Distance Separation required for existing livestock facilities
Date of Hearing: August 10, 2017
Date of Decision: August 10, 2017
Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS

1. This minor variance is for the reduction of the required Minimum Distance Separation from 243 metres to a minimum of 116 metres to permit construction of a residential dwelling.
2. Minor variance MV-34-17-P 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 an agreement to place restrictive covenants on title of the property regarding which acknowledge the reduction in MDS and the limitations of current and future owners to register complaints regarding normal farm practices against the surrounding landowners including future livestock facility expansions.

Item #14: Other Business

Bob Chagus (agent for Bob Galt estate) explained that two (2) lots existed originally but have since merged through common ownership and he is presenting a Validation Order to separate rather than a Consent Application. That each lot had undergone a series of lot additions, approved by the Township, through the years to increase their respective sizes, but as neither had undergone Consent at any point, they merged once common ownership happened. Section 57 of the Planning Act allows this validation order vs. a consent application. This issue was raised during the due diligence of the buyer's lawyer during sale of the smaller cottage property.

RESOLUTION: C of A: 17:07:10

Moved by: J. McDougall

Seconded by: K. Gee

THAT the August 10, 2017 meeting of the South Frontenac Township Committee of Adjustment hereby APPROVES the validation order for 75 Sunbeam Lane and 336 Sunset Shores Lane.

Carried

Item #21: Adjournment

RESOLUTION: C of A: 17:07:11

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the August 10, 2017 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:50 p.m. to reconvene at 7:00 p.m. on Thursday, September 14, 2017 or at the call of the Chair.

Carried

Alan Revill
Chair

Lindsay Mills
Secretary-Treasurer