



TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT



MINUTES 17:02
March 9, 2017

LOCATION: South Frontenac Municipal Offices, Sydenham

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

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

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Item # 1: Call to Order

RESOLUTION: C of A: 17:02:01

Moved by: J. McDougall

Seconded by: L. Redden

THAT the March 9, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:0 p.m. with Alan Revill 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: 17:02:02

Moved By: L. Redden

Seconded By: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the February 9, 2017 meeting of the Committee, as circulated.

Carried

Item # 5: S-01-17-S (Hughson)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of 174.6 +/- acres with frontage on Battersea Road. The lot is currently developed with a single detached dwelling and a detached accessory building. The proposal is for the creation of a 157 +/- acre lot addition to a vacant 2.9 +/- acre vacant parcel (ARN 102907006042140). The retained parcel is to be 13 +/- acres in size and contain the existing structures.

The planning department is able to support the application.

Comments were not required from Cataraqui Conservation Authority.

As no new entrance was required and the proposed lot lines are not near any septic systems comments were not required from Public Works or KFL&A Public Health.

RESOLUTION: C of A: 17:02:03

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-01-17-S by Kent & Kathryn Hughson to create a lot addition, in Concession 13, Part Lot 29/30, Battersea Road, District of Storrington, subject to conditions.

Carried

Application No: S-01-17-S
Owner: Kent and Kathryn Hughson
Location of Property: Concession 13, Lot/Part Lot 29/30, Battersea Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: March 9, 2017
Date of Decision: March 9, 2017

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-02-17-S shall be for the creation of a 170 +/- acre lot addition only to a vacant parcel (ARN 102907006042140).
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 # 6: S-02-17-S (Dixon)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of a 69.5 +/- acres with frontage on Moreland-Dixon Road and Inverary Lake. Inverary Lake is designated as a Provincially Significant Wetland (PSW); however the proposal is located outside the required 120m setback from a PSW. The lot is currently developed with two (2) agricultural buildings and used for agricultural purposes. The agricultural buildings do not contain, nor are they intended for use with livestock, as such a Minimum Distance Separation calculation was not required. The proposal is for the creation of a minimum 2.0 +/- acre residential lot with a minimum of 76m of frontage on Moreland-Dixon Road.

The planning department is able to support the application.

Comments were not required from Cataraqui Conservation Authority.

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

Public Works has visited the site and have no objections to the application. They have indicated that a specific location for the entrance was discussed at the site meeting due to sightlines along Moreland-Dixon Road.

The building department has no objection to the application.

RESOLUTION: C of A: 17:02:04

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-02-07-S by Dale & Jackey Dixon, to create a new lot, in Concession 2, Part Lot 22, Moreland-Dixon Road, District of Storrington, subject to the receipt of KFL&A Public Health approval.

Carried

Item # 7: S-03-17-S (Kot)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of a 111 +/- acres with frontage on Perth Road, Davidson Road and Holmes Road. The lot is currently vacant and used for agricultural purposes. The proposal is for the creation of a 4.0 +/- acre lot with frontage on Perth Road and Davidson Road which is proposed to be rezoned and used for commercial purposes. The new entrance for this lot is proposed to be located on Davidson Road and may require upgrades to Perth Road and/or Davidson Road to account for the increase in traffic.

The planning department is able to support the application for a new commercial lot provided the applicant rezones the proposed lot from Rural to Urban Commercial and enters into a Site Plan Agreement.

Comments were not required from Cataraqui Conservation Authority.

Comments from KFL&A Public Health were not required at this stage as they will be evaluating the septic suitability at the rezoning stage.

Public works is in the process of realigning the Perth Road and Davidson Road intersection. As such, further consultation with the applicant is required prior to any finalisation of potential entrance location for the proposed lot.

The building department has no objections to the application.

RESOLUTION: C of A: 17:02:05

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-03-17-S by Bruno Kot, to create a new lot, in Concession 1, Part Lot 18/19, Davidson Road, District of Storrington, subject to conditions.

Carried

Application No: S-03-17-S
Owner: Bruno Kot
Location of Property: Concession 1, Lot/Part Lot 18/19, Davidson Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: March 9, 2017
Date of Decision: March 9, 2017

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-03-17-B shall be for the creation of a 4.0 +/- acre new lot with a minimum of 76m of road frontage.
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 2% of the value of the new parcel in lieu of parkland [Planning Act, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The lot to be created through consent application S-03-17-S is required to be rezoned from Rural (RU) to Urban Commercial (UC) to permit the proposed commercial uses. Please Township Planner Lindsay Mills to begin this process.
 8. 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-03-17-S.

Item # 8: S-04-17-B (Downing)

Speaking to the Application: Chris Clarke (agent, ZanderPlan representative)

Discussion:

The subject land consists of a 44.2 +/- acres with frontage on Wolfe Lake Road and Westport Road. The lot is currently developed with a single detached dwelling and multiple detached agricultural outbuildings. The proposal is for the creation of a new 30.4 +/- acre lot addition to a vacant 89.8 +/- acre lot (ARN 102901001027115). The retained parcel is proposed to be 16 acres in size and will contain all the existing structures. A Minimum Distance Separation calculation was completed for all barns within the required distance and the setbacks have been evaluated with regards to future development and do not affect the application.

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

Comments were not required from Rideau Valley Conservation Authority.

As no new entrance was required and there are no septic systems near the proposed lot lines comments from Public Works and KFL&A Public Health were not required.

The building department has no objections.

Chair A. Revill stated that he had spoken to a number of the opponents in attendance and communicated with them that any comments made were to be limited to the planning application for the proposed lot addition and were not to address any possible future uses of the property should the lot addition be approved. That the Committee of Adjustment did not have the authority to make decisions regarding any limiting of future uses of a property and was only able to make decisions within the scope of the Planning Act for the applications submitted.

C. Clarke said his client had indicated to them that the property is currently in use for agricultural purposes and they are planning in continuing these uses.

Pamela Vaughn is opposed to the lot addition, she questioned the number of severances which have already taken place on this property, asked if an archaeological study had been completed and stated she had contacted both First Nations and the Ministry of Culture regarding the future uses of the subject property.

David Algae speaking on behalf of a number of opponents present said he is opposed to the lot addition but has been instructed not to speak about the proposed solar project on the property; he questions the agricultural uses indicated as the sole use; he wanted to know if the committee could stipulate a condition limiting the future uses of the property to agricultural only.

A. Revill stated that as both properties were currently zoned Rural and no rezoning is required, the owner would be able to continue any uses permitted under this zoning.

Bill Thompson, lives on Wolfe Lake Road, is opposed to lot addition.

Fran Willis addressed the question regarding why the reason for the opposition to the lot addition could not be stated at the Committee of Adjustment. She said that this is not the place for these concerns despite it being a public meeting; that the Province of Ontario has already made the decision to award the solar FIT contracts and this is a decision the Township cannot change.

R. Sutherland disagrees with the Chair and would like to hear what people have to say regarding this application. He moves a motion to allow discussion on objections including the solar projects.

R. Sleeth wanted to remain focussed stating the Committee does not have the authority to make decisions regarding solar contracts. The appropriate place for these comments is at the Committee of the Whole.

J. McDougall was concerned of imparting a false sense of security in those who were able to speak that the Committee of Adjustment could do anything to change the outcome with regards to solar projects.

J. Sherbino seconded the motion moved by R. Sutherland, provided the presentations were limited in length.

RESOLUTION: C of A: 17:02:06

Moved by: R. Sutherland

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby allows discussions on the objections regarding the proposed Downing lot addition.

Defeated

RESOLUTION: C of A: 17:02:07

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-01-17-L by Jeff Bennett and Margaret Eberle to permit an increase in coverage of an accessory building, in Concession 5, Part Lot 6, Slumber Lane, District of Loughborough, subject to conditions.

Carried

Application No: S-04-17-B
Owner: Alison Downing
Location of Property: Concession 12, Lot/Part Lot 21/22, Wolfe Lake Road, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: March 9, 2017
Date of Decision: March 9, 2017

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-04-17-B shall be for the creation of a 30.4 +/- acre lot addition only to a vacant 89.8 +/- acre lot (ARN 102901001027115).
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:
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 - 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:

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- 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-05-17-S (Kot)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of a 111 +/- acres with frontage on Perth Road, Davidson Road and Holmes Road. The lot is currently vacant and used for agricultural purposes. The proposal is for the creation of a minimum 2.0 +/- acre residential lot with a minimum of 76m of frontage on Holmes Road. The new entrance for this lot is proposed to be located on Davidson Road and may require upgrades. The planning department is able to support the application.

Comments were not required from Cataraqui Conservation Authority.

KFL&A Public Health has requested a deferral until a site visit could be completed.

Public Works has no objections to the application. They indicated the proposed lot is low with possible flooding. As such they are requiring a ditch to be installed around the north side of the proposed lot which drains into the Township ditch.

John Williamson, a neighbour, is concerned regarding the roads comments about adding a drainage ditch on the property and tying into the existing Township ditch as this will make the flooding issues he experiences even worse.

RESOLUTION: C of A: 17:02:08

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-05-17-S by Bruno Kot to create a new lot, in Concession 1, Part Lot 18/19, Holmes Road, District of Storrington, subject to KFL&A public health approval.

Carried

Item # 10: S-06-17-S (Curtis)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of a 4.7 +/- acres with frontage on Dog Lake. The lot is currently developed with a 1,950 square foot footprint dwelling, plus a 295 square foot detached accessory building. The proposal is for the creation of a new 2.2 acre residential waterfront lot. The retained parcel is proposed to be 2.5 acres in size and will contain all the existing structures.

The planning department is able to support the application for a new lot provided that the applicant slightly adjusts the sizing of the lot and the retained parcel to each is 2.35 acres in size while still maintaining the required frontages for both the road and water. This will require both the proposed lot and the retained parcel to be rezoned to a Special Residential Waterfront Zone to account for the reduced lot area.

The Rideau Waterway Development Review Team (Cataraqui Region Conservation Authority and Parks Canada) evaluated the application with regards to a number of natural considerations. The RWDRT staff have no objection to the approval of this application based on their consideration for natural hazards, natural and cultural heritage, and water quality and quantity protection policies.

Parks Canada – Rideau Canal Office oversees all in-water and shoreline works along the Canal system. If the landowner wishes to carry out any in-water works in the future, the Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction.

Present and future landowners are required to contact the CRCA to determine the need for a permit for development and site alteration on the proposed lot.

The Public Works department has visited the site and have no objections to the application. They have indicated that due to sightlines along Carrying Place Road the entrance to the new lot must be located at the most northerly end of the lot.

The building department has no objections.

KFL&A public health has requested a deferral until a site visit could be completed.

RESOLUTION: C of A: 17:02:09

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-06-17-S by James Curtis & Cynthia Martin-Curtis to create a new lot, in Concession 9, Part Lot 21/22, Carrying Place Road, District of Bedford, subject to KFL&A public health approval.

Carried

Item # 11: MV-04-17-L (Veri)

Speaking to the Application: Giulio Veri

Discussion:

The subject land consists of a 36.8 +/- acres with frontage on Bedford Road. The lot is currently developed with a 2,000 square foot dwelling located 60 feet from the high water mark of an unnamed waterbody and an 80 square foot storage shed located 110 feet from the unnamed waterbody. The proposal is for the construction of 1,200 square foot detached accessory building to be located a minimum of 75 feet from the unnamed waterbody. While the proposed structure will be located between the existing dwelling and the public road in order to maximise the setback from the high water mark it will be located approximately it will be approximately 170 from the front property line and well screened by trees and a rise of land.

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 Cataraqui Region Conservation Authority has no objection to the proposal based on their consideration for natural hazard, natural heritage and water quality policies. They recommend that as a condition of approval, the applicant be required to remove the tarp structure that is located between the proposed garage location and the waterbody, to which the applicant has agreed. Additionally, should the application be approved they have recommended that roof runoff be directed away from the waterbody and a vegetated buffer be maintained between the proposed structure and the waterbody.

The building department has no objections.

As no new entrance was required and there is no increase in living space proposed, comments from the Public Works department and KFL&A Public Health were not required.

RESOLUTION: C of A: 17:02:10

Moved by: R. Sutherland

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-04-17-L by Giulio & Andrea Veri, to permit construction within the 30 metre setback from water, an increase in height of an accessory building and construction in the front yard, in Concession 13, Part Lot 7/8, Bedford Road, District of Loughborough, subject to conditions.

Carried

Application No: MV-04-17-L
Owner: Giulio and Andrea Veri
Location of Property: Concession 13, Lot/Part Lot 7/8, Bedford Road, District of Loughborough, Township of South Frontenac
Purpose of Application: To vary section 5.8.2 and section 7.3.2 of the Comprehensive Zoning By-law to permit construction within the 30m setback from HWM and in front of the principal building
Date of Hearing: March 9, 2017
Date of Decision: March 9, 2017

DECISION: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS

1. This minor variance is for the construction of a 1,200 square foot detached accessory building to be located a minimum of 75 feet from an unnamed waterbody and approximately 170 feet from the property line fronting on Bedford Road.
2. Minor variance MV-09-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

Item # 12: MV-05-17-B (Hynes)

Speaking to the Application: Deborah Hynes

Discussion:

The subject land consists of 0.84 +/- acres with frontage on Bobs Lake and Maple Grove Lane. The lot is currently developed with a 36 ft. by 26 ft. (936 square foot footprint) seasonal dwelling plus . The proposal is for the construction of a new 14 ft. by 12 ft. (168 square foot footprint) deck addition which will increase the total square footage of the deck to 325 square feet. The proposal also includes converting 240 square feet of this total deck area into a covered and enclosed screen porch. None of the proposed additions will encroach farther into the setback from the high water mark than the existing structure.

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 building department visited the site and have indicated that the existing concrete piers which support the deck are not compliant with the Ontario Building Code (OBC) and are not suitable to support the proposed screen porch addition. The deck framing is also non-compliant with the OBC and not suitable to support the proposed screen porch addition. As such, they have no objection to the proposed addition provided the existing deck is completely removed and rebuilt as part of the proposed addition.

Rideau Valley Conservation Authority has no objections to the proposal.

As no new entrance was required and there is no increase in living space proposed, comments from the Public Works department and KFL&A Public Health were not required.

RESOLUTION: C of A: 17:02:11

Moved by: L. Redden

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-05-17-B by Jason & Deborah Hynes, to permit construction within the 30 metre setback from water, in Concession 3, Part Lot 24, Maple Grove Lane, District of Bedford, subject to conditions.

Carried

Application No: MV-05-17-B
Owner: Jason & Deborah Hynes
Location of Property: Concession 3, Lot/Part Lot 24, Maple Grove Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 5.8.2 and section 10.3.2 of the Comprehensive Zoning By-law to permit construction within the 30m setback from water
Date of Hearing: March 9, 2017
Date of Decision: March 9, 2017

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

CONDITIONS

1. This minor variance is for the construction of a 175 square foot footprint deck addition plus the conversion of 240 of deck into a covered and enclosed screen porch.
2. Minor variance MV-05-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

- 3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
- 4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township’s environmental and limited service policies, and which specifies that a permit may be required from the Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 13: MV-06-17-B (Goatcher)

Speaking to the Application: Brad Goatcher

Discussion:

The subject land consists of a 0.53 +/- acres with frontage on Bobs Lake and Whiskey Point Lane. The lot is currently developed with a 1,200 square foot seasonal dwelling with attached deck located approximately 70 feet from the high water mark of Bobs Lake and 288 square foot detached sleeping cabin with attached deck located outside the 30m setback from the high water mark of Bobs Lake. The proposal is for the construction of a 20 ft. by 28 ft. (560 square foot footprint) detached accessory building with a finished height to peak of 22 feet to permit a second story storage area over the garage space, to be located a minimum of 5 feet from the rear property line which is also the surveyed edge of Whiskey Point Lane.

As the proposed accessory building is located outside the required 30m setback from the high water mark of Bobs Lake comments from Rideau Valley Conservation Authority were not required.

As no new entrance was required and there is no increase in living space proposed, comments from the Public Works department and KFL&A Public Health were not required.

The building department has no objections.

RESOLUTION: C of A: 17:02:12

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-05-17-B by Jason & Deborah Hynes, to permit construction within the 30 metre setback from water, in Concession 3, Part Lot 24, Maple Grove Lane, District of Bedford, subject to RVCA approval.

Carried

Application No: MV-06-17-B
Owner: Brad Goatcher and Suzanne Leville
Location of Property: Concession 4, Lot/Part Lot 21, Whiskey Point Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 10.3.2 of the Comprehensive Zoning By-law to permit an increase in height of an accessory building and sections 10.3.2 and 5.6.1 to permit a reduction in rear yard setback and setback to a private lane
Date of Hearing: March 9, 2017
Date of Decision: March 9, 2017

DECISION: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. This minor variance is for the construction of a 560 square foot footprint detached accessory building with a finished height to peak of 22 feet.
- 2. Minor variance MV-06-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
- 3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
- 4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township’s environmental and limited service policies, and which specifies

that a permit may be required from the Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 14: MV-07-17-S (Hollington)

Speaking to the Application: Donald Hollington

Discussion:

The subject land consists of 0.53 +/- acres with frontage on Dog Lake and Ormsbee Road. The lot is currently developed with a 1,300 square foot footprint, including attached deck, dwelling. The proposal is for the construction of a 34 ft. by 24 ft. (816 square foot footprint) detached accessory building with a finished height to peak of 23.5 feet to permit a second story storage area over the garage space, to be located a minimum of 85 feet from the high water mark of Dog Lake. There is limited space opportunity to move the proposed garage farther from the water as there is a large rock outcropping between the proposed site and Ormsbee Road. Additionally, the proposal includes the raising of the existing 40 ft. by 24 ft. cottage by a maximum of 6 feet, to the peak, to permit the reconstruction of the foundation and allow space to install a new heating system. This crawl space is to be used only for the location of services and will be unfinished and not accessible from inside the 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 Rideau Waterway Development Team has no objection to the approval of the application provided that, as a condition of approval, the applicant be required to remove the existing Bunkie (sleeping cabin) and shed.

Parks Canada – Rideau Canal Office oversees all in-water works along the Canal system. If the landowner wishes to carry out any in-water works in the future, the Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction.

As no new entrance was required and there is no increase in living space proposed, comments from the Public Works department and KFL&A Public Health were not required.

The building department has no objections to the proposal.

R. Sleeth visited the site and is in support of the proposal as submitted.

K. Gee questioned the CRCA request of removal of the shed and the sleeping cabin as a condition of approval.

D. Hollington asked to be able to keep the sleeping cabin as the justification the CRCA gave for removal was accessory building lot coverage over allowed 5%. In subsequent communication from the CRCA they acknowledged an error in their calculation of lot coverage. They maintained however their position of removal of both the existing shed and sleeping cabin based on the Parks Canada – Rideau Canal Office recommendation of visual appeal along the Rideau Canal.

R. Sleeth and K. Gee

RESOLUTION: C of A: 17:02:13

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-07-17-S by Donald & Catherine Hollington, to permit construction within the 30m setback from water and an accessory building in the front yard, in Concession 9, Part Lot 21, Ormsbee Lane, District of Storrington, subject to conditions, including removal of existing shed.

Carried

Application No: MV-07-17-S
Owner: Donald and Catherine Hollington
Location of Property: Concession 9, Lot/Part Lot 19, Ormsbee Road, District of Storrington, Township of South Frontenac
Purpose of Application: To vary section 10.3.2 of the Comprehensive Zoning By-law to permit construction of an accessory building within the 30m setback from water
Date of Hearing: March 9, 2017
Date of Decision: March 9, 2017

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

CONDITIONS

1. This minor variance is for the construction of an 920 square foot footprint, two (2) story detached accessory building with a finished height to peak of 23.5 feet. Additionally, this

variance is for the raising of the existing 40 ft. by 24 ft. cottage by a maximum of 6 feet to the peak to permit foundation reconstruction and creation of a crawl space. This crawl space is to be used only for the location of services and will be unfinished and not accessible from inside the dwelling.

2. Minor variance MV-07-17-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.
4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental and limited service policies, and which specifies that a permit may be required from the Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 15: MV-08-17-B (Cove)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of a 0.38 +/- acres with frontage on Bobs Lake. The lot is currently developed with a 100 square foot storage shed, a 10 square foot outhouse, and a 100 square foot deck with attached drawbridge style dock. The proposal is for the demolition of the existing storage shed and the construction of 25 ft. by 30 ft. (750 square foot) two story seasonal dwelling to be located a minimum of 55 feet from the high water mark (HWM) of Bob's Lake. Also proposed is the construction of an 8 ft. by 16 ft. (128 square foot) storage shed to be located a minimum of 120 feet from the HWM and the construction of a gravelled 30 foot by 50 foot parking area to be located along the eastern edge of the property. The proposed location for the septic system is a minimum of 90 feet from the HWM.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

Rideau Valley Conservation Authority has no objections to the proposal provided the best management practices in the attached report dated February 23, 2017 are followed.

The building department has no objections to the proposal.

KFL&A Public Health have requested deferral of this application until weather conditions permit a full site inspection for septic suitability.

Comments from roads were not required.

Barry Hughson and Brian Hughson are neighbours with property abutting the Cove property. They were surprised at the proximity to the property which you can construct driveways and they are concerned over the steepness of the area in which the gravel was proposed and how the drainage in this area would be changed and whether this would affect their property.

RESOLUTION: C of A: 17:02:14

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-08-17-B by Kevin & Harriet Cove, to permit construction within the 30m setback from water, in Concession 6, Part Lot 32, Island Drive Lane, District of Bedford, subject to KFL&A public health approval.

Carried

Item # 16: MV-09-17-L (Clarke)

Speaking to the Application: Jeremy Clarke

Discussion:

The subject land consists of a 1.3 +/- acres with frontage on Pearkes Lake. The lot is currently developed with a 598 square foot seasonal dwelling with attached 180 square foot deck located approximately 5 feet from the high water mark of Pearkes Lake. The proposal is for the reconstruction and raising of the existing roof by 7 feet to create a vaulted ceiling but not add any living space or a second story. The proposal also includes extending the new roof line over the existing 180 square

foot deck. As part of the reconstruction of the roofline the applicant has requested to remove and reconstruct the living room walls and floor to accommodate the new roof trusses.

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.

Cataraqui Region Conservation Authority (CRCA) are recommending deferral of this application and that South Frontenac request the applicant to complete two (2) engineering studies to appropriately address potential flooding and erosion risks. The CRCA recommends that the applicant be advised to retain the services of a qualified professional engineer to undertake a floodplain analysis and an erosion study to detail the extent of these hazards and provide recommendations to address the hazards if necessary. Furthermore, they have indicated that they currently do not have enough information for a CRCA permit application to be considered under the current Regulation, which would be required for the proposed works. The above noted studies will be required in order to complete the application for a permit from the CRCA. Without this permit a Township building permit could not be issued.

The building department has no objections.

As no new entrance was required and there is no increase in living space proposed, comments from the Public Works department and KFL&A Public Health were not required.

R. Sutherland questioned where on the lot the septic system was located; Mr. Clarke indicated there was only a privy.

R. Sutherland and J. Sherbino were not in support of covering the deck area and questioned as to why the applicants did not explore moving the cottage farther from the water.

Mr. Clarke stated that once the report from CRCA had been received he had opted to revise his proposal to remove the covered deck area and would like deferral to further explore this option with the CRCA.

RESOLUTION: C of A: 17:02:15

Moved by: J. Sherbino

Seconded by: R. Sutherland

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-09-17-L by Jeremy & Mary Clarke, to permit construction within the 30m setback from water, in Concession 12, Part Lot 10, Salmon Lake Road, District of Bedford, subject to completion of CRCA required studies.

Carried

Item # 17: Adjournment

RESOLUTION: C of A: 17:02:16

Moved by: J. Sherbino

Seconded by: R. Sutherland

THAT the March 9, 2017 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:35 p.m. to reconvene at 7:00 p.m. on Thursday, April 13, 2017 or at the call of the Chair.

Carried

Larry Redden
Chair

Lindsay Mills
Secretary-Treasurer