



TOWNSHIP OF SOUTH FRONTENAC
PLANNING DEPARTMENT



MINUTES 18:06
July 12, 2018

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: David Hahn (Bedford District)

STAFF: Jennie Kapusta – Deputy Secretary Treasurer

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Item #1: Call to Order

RESOLUTION: C of A: 18:06:01

Moved by: R. Sleeth

Seconded by: R. Sutherland

THAT the July 12, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Alan Revill in the chair.

Carried

Item #2: Adoption of the Agenda

Approved as circulated

Item #3: Declaration of Pecuniary Interest

No Pecuniary Interest declared.

Councillor Ron Sleeth declared a conflict of interest regarding consent application S-45-18-S by Eunice Sleeth.

Item #4: Approval of Minutes

RESOLUTION: C of A: 18:06:02

Moved By: R. Sutherland

Seconded By: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the June 14, 2018 meeting of the Committee, as circulated.

Carried

Item #5: S-47-18-B (Phillips)

Speaking to the Application: Tracy Zander (Agent)

Discussion:

This item was original brought to the Committee in October 2017 but was deferred due to lack of comments from the consulting agencies. These comments have now been received. Additionally, the applicant did not post the required signs in advance of the October meeting so another public meeting needed to be held to allow adequate opportunity for public comments on the application.

The subject land consists of 110 +/- acres with frontage on Burrige Road, Sellers Lane and Green Lake. The lot is currently developed with a seasonal dwelling and a detached accessory building. The proposal is for the creation of a 2.8 acre waterfront residential lot with 100 metres of frontage on Green Lake and 77 metres of frontage on Sellers Lane. This new lot would encompass both of the existing structures on the property.

The applicant originally proposed to gain access along an existing driveway which would have required the creation of a new right-of-way over the retained parcel. This right-of-way creation would have been from Sellers Lane rather than a public road; this would constitute the creation of a lane off a lane. Section 5.7.7(ii)a) states that all newly created private roads must intersect with an existing public road. The applicant has altered the application and now proposes to gain access to the newly created lot directly from Sellers Lane.

The applicant has submitted a Preliminary Environmental Impact Assessment (EIA) completed by Ontario Lake Assessments which evaluated both the proposed lot and right-of-way. It examined the potential impact on the natural environment and looked at species-at-risk, including Blanding's turtles and eastern rat snakes. While the presence of both species in the area was discussed, the areas of concern with regards to these species are located away from any potential building areas. This report was favourable for the applicant. As a result of the alteration of the proposed access location, and in consultation with Rideau Valley Conservation Authority, Ontario Lake Assessments evaluated the new access and determined that the new access would not cause any detrimental environmental impact.

The subject land is currently zoned Rural. Since the proposed lot would be a waterfront lot accessed by a private lane it will be required to be rezoned to Limited Service Residential Waterfront prior to the stamping of the deeds.

As a result of the changes to the proposed access and removal of the creation of a new right-of-way the planning department is able to support the application.

Rideau Valley Conservation Authority has no objections to the creation of the proposed lot, provided some specific recommendations are addressed, including the applicant entering into a site plan agreement and discussion with Ministry of Natural Resources regarding potential species-at-risk as discussed in the EIA submitted by the applicant. They have evaluated the new proposed access directly from Sellers Lane and have no objection the location.

KFL&A Public Health has no objections to the proposal.

Comments from Public Works were not required.

The building department has no objections.

RESOLUTION: C of A: 18:06:03

Moved by: R. Sutherland

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of the decision to include a development agreement on the retained parcel which will require a letter from Ministry of Natural Resources regarding species at risk for any development within one year.

Carried

RESOLUTION: C of A: 18:06:04

Moved by: L. Redden

Seconded by: B. Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-47-17-B by Karen and Larry Phillips, to create a new lot, in Concession 9, Part Lot 27/28, Sellers Lane, District of Bedford, subject to conditions including amendment in resolution 18:06:03

Carried

Application No: S-47-17-B
Owner: Karen Phillips and Larry Phillips
Location of Property: Concession 9, Part Lot 27/28, Sellers Lane, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a new waterfront lot together with a right-of-way
Date of Hearing: October 12, 2017
Date of Decision: July 12, 2018
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-47-17-B shall be for the creation of a 2.8 +/- acre lot with 77 metres of frontage on Sellers Lane and 100 metres of frontage on Green Lake.
3. The land to be severed by Consent Application S-47-17-B shall be accessed directly from Sellers Lane.
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. Prior to the stamping of the deeds for the lot to be created through Consent Application S-47-17-B, the applicant shall be required to rezone the new lot from Rural (RU) to Limited Service Residential Waterfront (RLSW). Please see the Township planner to begin this process.
7. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which deals with the Township's environmental policies, as well as the requirement for the owner to contact the Rideau Valley Conservation Authority prior to any development on the property, to determine the need for a permit.

Item #6: MV-11-18-S (Greenlees)

Speaking to the Application: None

Discussion:

This item was originally brought to the Committee in June 2018 but was deferred due to a lack of comments from Cataraqui Region Conservation Authority and to give the Committee members time to evaluate the Environmental Impact Assessment and address questions regarding exactly what the proposal included.

The subject land consists of a 1.82 +/- acre parcel with frontage on Sandpiper Lane and Loughborough Lake. The property is currently developed with a single dwelling and detached accessory buildings. The proposal is for the partial demolition of the existing dwelling, then the reconstruction and enlargement of this dwelling. The enlargement proposed includes an increase in building footprint, the addition of a full basement under the current sunroom area (east end of dwelling) and cabin portion (west end of dwelling) which would tie into and be accessible from the existing basement area under the central portion of the dwelling and an increase in height as part of the reconstruction of the roof to unify the rooflines. There would be an increase in footprint of approximately 670 square feet and a height increase of approximately 8 feet. All of these increases would be on the sides and back (non-water side) of the existing dwelling and there would be no farther encroachment into the 30 metre setback than the existing dwelling.

The applicant has submitted a preliminary Environmental Impact Assessment (EIA) completed by Ontario Lake Assessments as the development is located on the West Basin of Loughborough Lake which is designated as an At Capacity Lake Trout Lake. The Township requires and EIA for all

development proposals on At Capacity lakes. This EIA includes a number of recommendations for mitigation measures which will limit the environmental impact of the proposed reconstruction. The applicant shall be required to enter into a site plan agreement as a condition of approval which will incorporate these recommendations, should the Committee approve the application.

The Planning Department is able to support the application as submitted.

Cataraqui Region Conservation Authority has visited the site and has no objection to the application provided that the recommended mitigation measures contained in the preliminary EIA are implemented through site plan control and this is added as a condition of approval to the minor variance.

Comments were not required from Public Works or KFL&A Public Health.

The building department has no objections.

RESOLUTION: C of A: 18:06:05

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-11-18-S by Tim Greenlees, to permit an increase in footprint of an existing dwelling during reconstruction, in Concession 1, Part Lot 52, 1015 Sandpiper Lane, District of Storrington, subject to conditions.

Carried

Application No: MV-11-18-S
Owner: Tim Greenlees
Location of Property: Concession 1, Lot/Part Lot 52, 1015 Sandpiper Lane, District of Storrington, Township of South Frontenac
Purpose of Application: To vary sections 5.10.2 and 5.11 of the Comprehensive Zoning By-law 2003-75 to permit an increase in footprint and an increase in living space to an existing dwelling within the 30 metre setback from water
Date of Hearing: June 14, 2018
Date of Decision: July 12, 2018
Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the reconstruction and enlargement of an existing dwelling within the 30 metre setback from water, located at 1015 Sandpiper Lane. This minor variance permits a maximum 675 square foot footprint increase, a maximum 8 foot height increase. The increases are to be located on the sides and rear of the dwelling and shall not encroach any farther into the 30 metre setback.
2. Minor variance MV-11-18-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 policies, and which specifies that a permit may be required from Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works. This site plan agreement will include the mitigation measures contained in the preliminary EIA by Ontario Lake Assessments dated June 12, 2018.

Item #7: S-55-18-P (Babcock)

Speaking to the Application: None Speaking

Discussion:

The subject lands consist of 19.9 +/- acres with frontage on Yarker Road and Quinn Road West. The land is currently vacant. The proposal is for the creation of a 2.8 +/- acre lot addition to 3802 Yarker Road. This lot addition will serve to increase the size of an undersized lot of record and bring it into conformity with the current by-law.

The planning department is able to support the applications.

The building department has no objections.

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

RESOLUTION: C of A: 18:06:06

Moved by: B. Barbeau

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-55-18-P, by Glen and Ann Babcock, to create a lot addition, in Concession 2, Part Lot 8, Yarker Road, District of Portland, subject to conditions.

Carried

Application No: S-55-18-P
Owner: Glenn and Ann Babcock
Location of Property: Concession 2, Pt. Part Lot 8, Yarker Road, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: July 12, 2018
Date of Decision: July 12, 2018

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-55-18-P shall be for the creation of a 2.8 +/- acre lot addition only to 3802 Yarker Road (PIN 361350012).
3. 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.
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 #8: S-56-18-P (Card)

Speaking to the Application: None Speaking

Discussion:

The subject lands consist of 97.5 +/- acres with frontage on First Lake Road. The land is currently developed with a single detached dwelling and detached accessory buildings. The proposal is for the creation of a 10 +/- acre new lot, with frontage on First Lake Road. The retained parcel would be approximately 87.5 +/- acres in size and will encompass all existing structures.

The planning department is able to support the application.

The building department has no objections.

Public Works has no objections.

KFL&A Public Health have no objections.

Comments from Quinte Conservation Authority were not required.

RESOLUTION: C of A: 18:06:07

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-56-18-P by Homer and Nora Card, to create a new lot, in Concession 13, Part Lot 15, First Lake Road, District of Portland, subject to conditions.

Carried

Application No: S-56-18-P
Owner: Homer and Nora Card
Location of Property: Concession 13, Pt. Part Lot 15, First Lake Road, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create new lot
Date of Hearing: July 12, 2018
Date of Decision: July 12, 2018

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-56-18-P shall be for the creation of a 10 +/- acre new lot with frontage on First Lake 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 valued of the parcel to be severed through Consent Application S-56-18-P, 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-58-18-P.

Item #9: S-57-18-S (Webster)

Speaking to the Application: Victoria Webster

Discussion:

The subject lands consist of 25.5 +/- acres with frontage on Battersea Road; however, approximately 18.2 acres of the property is actually covered by a large pond. The land is currently developed with a single detached dwelling and detached accessory buildings. The proposal is for the creation of a 3.8 +/- acre new lot, with a minimum of 50 metres of frontage on Battersea Road. The retained parcel would have approximately 67 metres of frontage on Battersea Road and would encompass all existing structures. These proposed frontages are less than the normally required 76 metres of frontage for new lots but as they are located within the hamlet boundary of Battersea the Official Plan allows for reduced frontages within designated Settlement Areas. One of the conditions of approval will be to rezone both the severed and retained parcels to special Urban Residential – First Density zones to reflect the reduced frontages.

The planning department is able to support the application.

The building department has no objections.

Public Works has no objections.

KFL&A Public Health have no objections.

Comments from Cataraqui Region Conservation Authority have yet to be received.

RESOLUTION: C of A: 18:06:08

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-57-18-S by Victoria Webster, to create a new lot, in Concession 10, Part Lot 11, Battersea Road, District of Storrington, subject to conditions.

Carried

Application No:	S-57-18-S
Owner:	Victoria Webster
Location of Property:	Concession 10, Pt. Part Lot 11, Battersea Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Consent to create new lot
Date of Hearing:	July 12, 2018
Date of Decision:	July 12, 2018

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-57-18-S shall be for the creation of a 3.8 +/- acre new lot with a minimum of 50 metres of frontage on Battersea 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 valued of the parcel to be severed through Consent Application S-57-18-S, 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-57-18-S.

Item #10: S-58-18-P (Orser)

Speaking to the Application: None Speaking

Discussion:

The subject lands consist of 50 +/- acres with frontage on Bellrock Road. The land is currently developed with a single detached dwelling and detached accessory buildings. The proposal is for the creation of a minimum 2.0 +/- acre new lot, with a minimum of 76 metres of frontage on Bellrock Road. The proposed new lot would encompass all existing structures. The retained parcel would be approximately 48 +/- acres in size.

The planning department is able to support the application.

The building department has no objections.

Public Works has no objections.

Comments from Quinte Conservation Authority and KFL&A Public Health were not required.

RESOLUTION: C of A: 18:05:09

Moved by: B. Barbeau

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-58-18-P by David Orser to create a new lot, in Concession 10, Part Lot 14, Bellrock Road, District of Portland, subject to conditions.

Carried

Application No: S-58-18-P
Owner: David Orser
Location of Property: Concession 10, Pt. Part Lot 14, Bellrock Road, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create new lot
Date of Hearing: July 12, 2018
Date of Decision: July 12, 2018

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-58-18-P shall be for the creation of a minimum 2.0 +/- acre new lot with a minimum of 76 metres of frontage on Bellrock Road and encompass the dwelling located at 4657 Bellrock 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 valued of the parcel to be severed through Consent Application S-58-18-P, 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.

Item #11: S-60-18-S, S-61-18-S, S-62-18-S (Foster)

Speaking to the Application: Rod Stroud

Discussion:

The subject lands consist of 88 +/- acres with approximately 310 metres of frontage on Round Lake Road. The land is currently developed with multiple agricultural buildings but no livestock facilities. The proposal for S-60-18-S is for the creation of a minimum 2.0 +/- acre new lot, with a minimum of 85 metres of frontage on Round Lake Road. The proposal for S-61-18-S is for the creation of a minimum 2.0 +/- acre new lot, with a minimum of 85 metres of frontage on Round Lake Road. These new lots would be located in what is currently a hay field and the rear lot lines will follow an existing tree line. They would be located in line with five existing similar sized residential lots along Round Lake Road. The proposal for S-62-18-S is for the creation of a 1.3 +/- acre lot addition to 3298 Round Lake Road. This lot addition would have approximately 41.5 metres of frontage on Round Lake Road; 10 metres on the west side of 3298 Round Lake Road and 31.5 metres on the east side. This lot addition would enlarge an existing undersized lot and bring it into conformity with the by-law; additionally, it will allow the Fosters to retain direct access to the fields behind the newly created lots. The retained parcel would be approximately 82.5 +/- acres in size and would retain all existing structures.

The planning department is able to support the application.

The building department has no objections.

Public Works has no objections.

KFL&A Public Health has visited the proposed lots and have no objections.

Comments from Cataraqui Region Conservation Authority were not required.

RESOLUTION: C of A: 18:06:10

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-60-18-S by Lawrence and Anette Foster to create a new lot, in Concession 4, Part Lot 24, Round Lake Road, District of Storrington, subject to conditions.

Carried

Application No: S-60-18-S
Owner: Lawrence and Anette Foster
Location of Property: Concession 4, Pt. Part Lot 24, Round Lake Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: July 12, 2018
Date of Decision: July 12, 2018

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-60-18-S shall be for the creation of a minimum 2.0 +/- acre new lot with a minimum of 85 metres of frontage on Round Lake 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 each of the parcels to be severed through Consent Applications S-60-18-S and S-61-18-S, 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 each of the parcels severed through Consent Applications S-60-18-S and S-61-18-S.

RESOLUTION: C of A: 18:06:11

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-61-18-S by Lawrence and Anette Foster to create a new lot, in Concession 4, Part Lot 24, Round Lake Road, District of Storrington, subject to conditions.

Carried

Application No: S-61-18-S
Owner: Lawrence and Anette Foster
Location of Property: Concession 4, Pt. Part Lot 24, Round Lake Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: July 12, 2018
Date of Decision: July 12, 2018

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-61-18-S shall be for the creation of a minimum 2.0 +/- acre new lot with a minimum of 85 metres of frontage on Round Lake 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 each of the parcels to be severed through Consent Applications S-60-18-S and S-61-18-S, 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 each of the parcels severed through Consent Applications S-60-18-S and S-61-18-S.

RESOLUTION: C of A: 18:06:12

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-62-18-S by Lawrence and Anette Foster to create a lot addition, in Concession 4, Part Lot 24, Round Lake Road, District of Storrington, subject to conditions.

Carried

Application No: S-62-18-S
Owner: Lawrence and Anette Foster
Location of Property: Concession 4, Pt. Part Lot 24, Round Lake Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: July 12, 2018
Date of Decision: July 12, 2018

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-62-18-S shall be for the creation of a 1.3 +/- acre lot addition only to 3298 Round Lake Road (PIN 362910343). This lot addition shall have 30.5 metres of road frontage on the east side of 3298 Round Lake Road and 10 metres of road frontage on the west side of 3298 Round Lake Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive \$100, in lieu of parkland [Planning Act, s. 51(1)] for the parcel to be created through Consent Application S-62-18-S.
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.

Item #12: MV-14-18-S (MacLean)

Speaking to the Application: John MacLean, Reg Genge

Discussion:

The subject land consists of a 0.64 +/- acres, with approximately 80 feet of frontage on Loughborough Lake and frontage on both Lark Lane and Cedar Ridges Lane. The topography of the lot is steeply sloped away from Loughborough Lake with retaining walls in place to support this slope. As a result there is limited opportunity for an increase in setback from the water. The property had a 784 square foot footprint cottage plus an 8 foot wide deck along the water side of the cottage. The deck is located 5.25 feet from Loughborough Lake at its closest point. The applicants obtained a building permit for the reconstruction of the foundation and reconstruction of the roof structure; these improvements did not require minor variance approval. When the building inspector visited the site to inspect the footings for the new foundation it was discovered that the existing cottage had been demolished and removed from the site. The applicants claimed that once the cottage had been raised and the roof structure removed for reconstruction, that the walls of the cottage fell down and required removal. No demolition permit had been obtained for this work. The building department instructed the property owners to cease work and consult with the planning department for approval prior to the continuation

of any construction. The proposal is for the reconstruction of the cottage on the existing footprint, plus the addition of a second story to increase the usability of the cottage. This would result in a total of 1568 square feet gross floor area. The proposal also includes the reconstruction of the existing deck on the same footprint. As the West Basin of Loughborough Lake is designated as an At Capacity Lake Trout Lake the applicants have submitted a preliminary Environmental Impact Assessment (EIA) completed by Ontario Lake Assessments which was favourable to this proposal. This EIA contains a number of recommended mitigation measures which will serve to limit the environmental impact of the reconstruction. Should the Committee approve the application the applicants shall be required to enter into a site plan agreement as a condition of approval which will contain these recommendations as requirements for construction.

The Planning Department is able to support the application as submitted.

Comments were not required from Public Works.

KFL&A Public Health have no objections.

Cataraqui Region Conservation Authority has visited the site and evaluated the preliminary EIA submitted by the applicants. They have no objections to the proposal provided that the recommended mitigation measures contained within the preliminary EIA are implemented through site plan control and that this is added as a condition of approval to the minor variance.

The building department has no objections to the proposal provided planning approval is obtained.

R. Sleeth visited the site and is ok if EIA recommendations are followed.

J. Sherbino questioned the KFL&A Public Health comments and EIA that there is an increase in size but no increase in usage.

R. Sutherland said this application fails two of the test of a minor variance: 1. It is not a minor increase in size, but double the gross floor area. 2. It does not meet the intent of the Official Plan with regards to aesthetics of the lake (maintaining rural character). Additionally, this section of Loughborough Lake is an At Capacity lake, the proposed development is VERY close to the shoreline at approximately 5 feet from the high water mark, this is a lot of development on an undersized lot and the proposed development converts what was a seasonal dwelling into a year round use and all on a holding tank.

R. Genge explained that usage is based on number of bedrooms, which is not changing; rather there are three bedrooms now and will be three bedrooms after, just on two levels as opposed to a single level. He said that as the dwelling is on a holding tank the size increase does not increase the nutrients to the lake the way it could if it were using a traditional septic system and that one of his recommendations was to install an alarm on the holding tank to ensure appropriate pumping. Additionally, while there is an increase in size proposed there was no increase in hardened surfaces since there was no increase in footprint over the current situation.

J. MacLean said this is only ever going to be a cottage, for seasonal use as he lives in Arizona and only ever intends to use the cottage on a seasonal basis.

RESOLUTION: C of A: 18:06:13

Moved by: R. Sleeth

Seconded by: B. Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of the decision of MV-14-18-S to include conditions to include beach stone at the rear of the cottage and that a requirement for a holding tank alarm is included.

Carried

RESOLUTION: C of A: 18:06:14

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-14-18-S, by John and Adrienne MacLean, to permit an increase in living space of an existing dwelling during reconstruction within the 30 metre setback from water, in Concession 1, Part Lot 19, 1040 Lark Lane, District of Storrington, subject to conditions including amendments passed in resolution 18:06:13.

Carried

Application No: MV-14-18-S

Owner: John and Adrienne MacLean

Location of Property: Concession 1, Lot/Part Lot 19, 1040 Lark Lane, District of Storrington, Township of South Frontenac

Purpose of Application: To vary sections 5.10.2 and 10.3.1 of the Comprehensive Zoning By-law 2003-75 to permit the enlargement of an existing dwelling within the 30 metre setback from water

Date of Hearing: July 12, 2018

Date of Decision: July 12, 2018

Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the construction of a maximum 785 square foot footprint, two story dwelling, no basement permitted; plus the reconstruction of the existing deck on the existing footprint, no increase in size permitted, to be located a minimum of 5.25 feet from the high water mark of Loughborough Lake.
2. Minor variance MV-14-18-L is applicable only to 1040 Lark Lane.
3. Minor variance MV-14-18-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
5. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental policies, and which specifies that a permit may be required from Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works. This site plan agreement will include the mitigation measures contained in the preliminary EIA by Ontario Lake Assessments dated July 4, 2018.

Item #13: MV-15-18-P (Wagar)

Speaking to the Application: Richard Wagar

Discussion:

The subject land consists of a 0.2 +/- acres, with approximately 60 feet of frontage on Verona Lake and 60 feet of frontage on Carleton Drive. The property is currently developed with an 822 square foot footprint dwelling located approximately 36 feet from Verona Lake, plus a 20 foot wide (375 square foot) deck along the water side of the dwelling which reduces the overall setback from the water to approximately 16 feet. The proposal is for the construction of a maximum 480 square foot footprint detached accessory building to be located a minimum of 70 feet from the high water mark of Verona Lake. This proposed size meets but does not exceed the maximum 5 percent lot coverage permitted. As the property is located on a fully maintained public road the non-water side of the dwelling is considered the front yard. This places the proposed garage in the front yard of the property. Given the small size of the lot the proposal also requests a reduction in side yard from 8.2 feet to a minimum of 5 feet. The required front yard is 25 feet and the proposal meets this distance. When a site visit was conducted by the planning department it was discovered that a healthy looking large mature tree is located in approximately the same location as the proposed garage. There appears to be sufficient space between this tree and Carleton Drive to accommodate the proposed garage. In the interest of keeping this tree and reducing environmental impact the planning department would be in favour of permitting a reduction in the required front yard for the construction of the proposed garage.

The Planning Department is able to support the application as submitted.

Comments were not required from Public Works or KFL&A Public Health.

Quinte Conservation Authority has no objections.

The building department has no objections.

RESOLUTION: C of A: 18:06:15

Moved by: B. Barbeau

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of the decision to reduce the required front yard to a minimum of 10 feet if required, for placement of the accessory building in order to allow maintenance of an existing tree.

Carried

RESOLUTION: C of A: 18:06:16

Moved by: B. Barbeau

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-15-18-P, by Richard Wagar, to permit construction of an accessory building in the front yard, a reduction in side yard, a reduction in front yard, in Concession 11, Part Lot 9, 6081 Carleton Drive, District of Portland, subject to conditions.

Carried

Application No: MV-15-18-P
Owner: Richard Wagar
Location of Property: Concession 11, Lot/Part Lot 9, 6081 Carleton Drive, District of Portland, Township of South Frontenac
Purpose of Application: To vary sections 5.10.2, 5.24.2 and 14.3.1 of the Comprehensive Zoning By-law 2003-75 to permit the construction of a detached accessory building in the front yard, a reduction in side yard and a reduction in the 30 metre setback from water
Date of Hearing: July 12, 2018
Date of Decision: July 12, 2018
Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the construction of a maximum 480 square foot footprint detached accessory building to be located a minimum of 70 feet from the high water mark of Verona Lake, a minimum of 10 feet from the front lot line (Carleton Drive), and a minimum of 5 feet from the side lot line of 6081 Carleton Drive.
2. Minor variance MV-15-18-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.

Item #26: Other Business

K. Gee wanted to explore the possibility of refunding some or all of the application fees for Tim Greenlees to compensate him for the delay in his construction due to errors on the part of the planning department.

R. Sutherland said this was a dangerous precedent to set, though he appreciated the sentiment of K. Gee. He felt that staff did their best to ensure the application was processed in a timely manner and that refunds like this should only be in dire circumstances.

B. Barbeau said this wasn't about compensation but forgiving fees and was not requested by the applicant.

RESOLUTION: C of A: 18:06:17

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES a motion to refund 50 percent of the fees paid by Tim Greenlees, for application MV-11-18-S.

Carried

Note: For the August 9, 2018 Committee of Adjustment meeting Councillor Alan Revill, Councillor Ross Sutherland and Councillor Brad Barbeau will be absent.

Item #27: Adjournment

RESOLUTION: C of A: 18:05:28

Moved by: R. Sutherland

Seconded by: R. Sleeth

THAT the July 12, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:20 p.m. to reconvene at 7:00 p.m. on Thursday, July 12, 2018 or at the call of the Chair.

Carried

Alan Revill
Chair

Lindsay Mills
Secretary-Treasurer

DRAFT