



MINUTES 18:10

October 11, 2018

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS:

STAFF: Claire Dodds – Director of Development Services, Secretary-Treasurer, South Frontenac
Megan Rueckwald – Planning Manager, County of Frontenac

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Item #1: Call to Order

RESOLUTION: C of A: 18:10:01

Moved by: John Sherbino

Seconded by: Ron Sleeth

THAT the October 11, 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.

Item #4: Approval of Minutes

RESOLUTION: C of A: 18:10:02

Moved by: John Sherbino

Seconded by: Ron Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the September 13, 2018 meeting of the Committee, as circulated.

Carried

Item #5: Motion to Appoint Secretary-Treasurer of the Committee of Adjustment

RESOLUTION: C of A: 18:10:03

Moved By: Ron Sleeth

Seconded By: John Sherbino

THAT the South Frontenac Township Committee of adjustment hereby appoints Claire Dodds, the Director of Development Services, as the Secretary-Treasurer to the Committee of Adjustment and Megan Rueckwald, from the County of Frontenac, as the Assistant Secretary-Treasurer to the Committee of Adjustment.

Carried

Item #6: Business Arising from the Minutes - Local Planning Appeal Tribunal (LPAT) Presentation (M. Rueckwald & C. Dodds)

Megan Rueckwald and Claire Dodds provided the Committee with on the topic of the Local Planning Appeal Tribunal (LPAT), which has replaced the Ontario Municipal Board (OMB), and changes to the requirements for reports and the appeal process.

Item #7: Consents

Item #7a: S-59-18-L Robert Rice

Speaking to the Application: Robert Rice

Discussion:

An application for consent has been received for the creation of one new residential limited services waterfront lot from an existing property at Part Lot 25, Concession 13, District of Loughborough, municipally known as 179 Burnt Point Lane. The existing lot has frontage on Burnt Point Lane with waterfrontage along Buck Lake (South Basin). The lot is heavily vegetated with some cleared trails through the lot. The applicant is proposing to sever approximately 22 acres with 91 metres of frontage along Burnt Point Lane from the existing 29 acre lot. It is important to note that the South Basin of Buck Lake is an at-capacity lake trout lake; stricter development controls are in place for the creation of new lots within 300 metres of at-capacity lakes.

S-59-18-L

Consent application S-59-18-L is for the creation of a vacant residential limited services waterfront lot. The proposed new lot will be irregularly shaped due to the topography of the lot and the existing frontage along Burnt Point Lane. A new entrance and driveway are proposed from Burnt Point Lane. The proposed consent and development has been reviewed in the Environmental Impact Assessment prepared by Ontario Lake Assessments Environmental Consulting in August 2018. A location for the

septic system has been identified that meets the Ministry of the Environment, Conservation and Parks policies for development on at-capacity lakes.

Retained Lot

The retained lands will consist of approximately 7 acres in area with approximately 274 metres of frontage along Buck Lake and Burnt Point Lane terminating at the subject property. The retained land will be irregularly shaped due to the configuration of the shoreline and the natural topography of the lot. A new cottage is being constructed on the retained lands; beyond the construction of the cottage no additional development is proposed for the retained lands.

KFL&A Public Health and the Cataraqui River Conservation Authority have no objections to the severance as proposed.

R. Sutherland noted that he had walked the site and stated that the property was beautiful. K. Gee sought clarification that the subject property was accessed by a private lane and not a private road. M. Rueckwald confirmed both the severed and retained are accessed by a private lane.

RESOLUTION: C of A: 18:10:04

Moved by: Ron Sleeth

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-59-18-L, by Robert Rice, concession 13, part lot 25, Geographic Township of Loughborough, Township of South Frontenac, municipally known as 179 Burnt Point Lane, to create a new waterfront residential lot, subject to conditions.

Carried

Application No: S-59-18-L
Owner: Rice
Location of Property: Part Lot 25, Concession 13, District of Loughborough, Township of South Frontenac, municipally known as 179 Burnt Point Lane
Purpose of Application: Consent to create one new lot
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-59-18-L shall be for the creation of a lot with an area of approximately 22 acres with approximately 91 metres of frontage along Burnt Point Lane and approximately 182 metres of frontage along Buck Lake (South Basin) together with a right-of-way over the Burnt Point Lane from Billy Green Road.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official 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 date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
4. Provide to the satisfaction of the Municipality a survey showing the lot lines of the severed parcel and the location of septic envelope and the building envelope in addition to the location of the entrance driveway.

Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-59-18-L, in lieu of parkland [Planning Act, s. 51(1)].
7. 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.
8. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which recognizes that the lot is accessible by private lane, and incorporates the recommendations from the Environmental Impact Assessment prepared by Ontario Lake Assessments (August, 2018) and those outlined in the letter prepared by the Cataraqui Regional Conservation Authority and the Ministry of the Environment, Conservation and Parks submitted October 4, 2018 and Cataraqui Region Conservation Authority, October 4, 2018.
 - a. The development agreement shall require that prior to the issuance of a building permit that the applicant shall enter into a Site Plan Agreement to be registered on title with the Township demonstrating the proposed development meets the required setbacks, illustrates the location of the driveway as specified in the EIA and specifies the applicant work with the CRCA to control runoff at this point, identifies the building and septic envelopes and includes the provision to alert the MNRF prior to any works on the subject property to determine if a Benefit Permit is required.

Zoning

9. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
10. The applicant shall rezone the lot to be created through Consent Application S-59-18-L from Rural (RU) to a Special Limited Service Residential Waterfront zone to reflect the site specific environmental concerns, building envelope and septic location. Please contact the Township Planning Department to begin this process.

Access

11. That the owner provide confirmation to the satisfaction of the Township of legal deeded access over the right-of-way and neighbouring lands to provide access to the retained lands.

Item #7b: S-80-18-P Sindall & Cross

Speaking to the Application: Craig Sindall & Brenda Cross

Discussion:

An application for consent has been received for the creation of one new commercial lot from an existing rural property at Part Lot 17, Concession 4, District of Portland, Township of South Frontenac, municipally known as 4183 Camden Portland Boundary Road. The existing lot has frontage on Camden Portland Boundary Road and is developed with an existing dwelling and recently refurbished barn. The applicant is proposing to sever approximately 5.05 acres from the existing 35 acre lot in order to create one new commercial lot with frontage on Camden Portland Boundary Road that will contain the existing dwelling and refurbished barn.

S-80-18-P

Consent application S-80-18-P is for the creation of a developed commercial lot that is approximately 5 acres in area. The proposed lot will have approximately 235 metres of frontage along the Township maintained road and a depth of approximately 100 metres. The lot will be irregularly shaped due to the configuration of the existing lot and angle of the northern lot boundary. A commercial entrance will need to be applied for and property rezoned through an application to Council to permit commercial activities in the existing barn.

Retained Lot

The retained lands will consist of approximately 31 acres with approximately 144 metres of frontage along Camden Portland Boundary Road. The retained lands will be vacant, but it is anticipated that they will be developed for residential purposes. A rezoning application has been submitted to permit a dwelling and secondary unit located in an ancillary building on the property.

KFL&A Health Unit had no objections to the proposed severance.

B. Barbeau commented that this is a straightforward application. L. Redden asked the applicant if there was a house on the severed parcel. Craig Sindall responded that there is a barn and an existing farmhouse on the severed parcel. The house on the severed parcel is in disrepair and a demolition permit has been taken out to remove the house from the severed lot. Mr. Sindall added that they are in the process of building a new house on the retained property. M. Rueckwald noted that one of the proposed conditions of the consent application is to rezone the severed parcel to rural commercial to permit the barn on the severed parcel to be used as a craft brewery. A. Revill stated he was concerned about ensuring the rural commercial zoning on the severed parcel would only permit compatible uses with the surrounding rural residential properties. M. Rueckwald stated that at the time of the rezoning Planning will only recommend rural commercial zoning that will be compatible with the surrounding uses.

RESOLUTION: C of A: 18:09:05

Moved by: Ken Gee

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-80-18-P, by Craig Sindall and Brenda Cross, concession 4, part lot 17, Geographic Township of Portland, Township of South Frontenac, municipally known as 4183 Camden-Portland Boundary Road, to create a 5.05 acre commercial lot, subject to conditions.

Carried

Application No: S-80-18-P
Owner: Craig Sindall, Brenda Cross
Location of Property: Concession 4, Part Lot 17, 4183 Camden-Portland Boundary Road, Portland, Township of South Frontenac
Purpose of Application: Consent to create one new commercial lot
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-80-18-P shall be for the creation of a lot with an area of approximately 5 acres with approximately 235 metres of frontage along Camden Portland Boundary Road.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official 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 date the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 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 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.

Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 2% of the value of the parcel to be severed through Consent Applications S-80-18-S, in lieu of parkland [Planning Act, s. 51(1)] as the lands to be created are for commercial purposes.

7. 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.

Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
9. That the applicant rezone the lands from Rural to Rural Commercial to recognize the future uses of the land as commercial and meet the intent of the lot creation policies in the Official Plan.

Water Capacity

10. The Owner shall 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-80-18-P.

Item #7c: S-83-18-P Smith

Speaking to the Application:

Ron Smith (agent); Reg Genge; Mary Alice Snetsinger (KFL&A Land Trust)

Discussion:

Applications for consent have been received for the creation of three new lots from an existing property at Part Lots 4 & 5, Concession 14, District of Portland, Township of South Frontenac, municipally known as 1023 Pepper Lane. The existing lot has frontage on Hinchinbrooke Road North and is developed with a dwelling being accessible by Pepper Lane, a private right-of-way that dissects the property. The lot is heavily vegetated with a cleared easement for the Hydro One transmission corridor. The application is proposing to sever approximately 30 acres from the existing 55 acre lot to create three new residential lots with frontage on Howes Lake and Hinchinbrooke Road North.

S-83-18-P

Consent application S-83-18-P is for the creation of a vacant rural waterfront residential lot. The proposed new lot will have approximately 126 metres of frontage along Hinchinbrooke Road North, approximately 104 metres of frontage along Howes Lake and is approximately 11.5 acres in area. The lot will be irregularly shaped with a depth of approximately 225 metres; the irregular shape results from the configuration of the existing lot and frontage along Howes Lake. A new entrance is proposed off Hinchinbrooke Road North to accommodate future development on the severed lot.

Retained Lot

The retained lands will consist of approximately 24 acres in area with approximately 193 metres of frontage along Hinchinbrooke Road North and 335 metres of frontage along Howes Lake. The retained lands will contain the dwelling on the property as well as Pepper Lane, a right-of-way that dissects the property. No further development is proposed for the retained lands.

KFL&A Health Unit & Quinte Conservation had no objections to the proposed severance. Hydro One has no objections provided that their easement is maintained. Public Works has no objection to the proposed entrance along Hinchinbrooke Road North.

An adjacent landowner, KFL&A Land Trust expressed concerns about the proposed severance. Mary Alice Snetsinger the Vice President of the KFL&A Land Trust spoke to the concerns of the group. They own Myer Woods located north of the first of the 3 lots. They have put a lot of work into improving and protecting the adjacent lands. There was concern that it may be unclear where the lot line between the severed lot and the lands owned by the Land Trust are located and this may lead to future owners of the severed parcel trespassing and dumping garbage on lands owned by the Trust.

The KFL&A Land Trust requested the Committee of Adjustment require the northern most lot to post notices along the lot line marking the boundary in between the conservation lands owned by the Trust and the waterfront residential lot.

Ron Smith, father of the applicant Mike Smith, spoke to the concerns of the KFL&A Land Trust. He agreed that due to the densely vegetated lot, it is difficult to tell where one property starts and stops. He wouldn't want to see restrictions put on the proposed lots that would be over and above what would normally be required by the zoning and building by-laws. Mr. Smith noted that proper signage to identify the lot line of the northern-most lot and how the Land Trust expects their property to be treated would be welcomed. Reg Genge stated that the Land Trust could reach out to neighbouring property owners to inform them and educate them about the value of the property they manage at Myers Woods. M. Snetsinger of the KFL&A Land Trust stated that they do education with neighbours all the time.

RESOLUTION: C of A: 18:09:06

Moved by: Ken Gee

Seconded by: Ron Sleeth

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-83-18-P by Michael Smith, Concession 14, part lots 4 & 5, Geographic Township of Portland, Howes Lake, municipally known as 1023 Pepper Lane, to create a new waterfront residential lot with frontage on Hinchinbrooke Rd.. N. and Howes Lake, subject to conditions.

Carried

Application No: S-83-18-P
Owner: Michael Smith
Location of Property: Concession 14, Part Lot 4/5, Hinchinbrooke Road N., Howes Lake, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create one new waterfront lot
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

Conditions:

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-83-18-P shall be for the creation of a lot with an area of approximately 11.5 acres with approximately 126 metres of frontage along Hinchinbrooke Road North and a minimum of 91 metres of frontage along Howes Lake.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official 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 date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #5 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 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.

Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-83-18-P in lieu of parkland [Planning Act, s. 51(1)].
7. 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.

Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Item #7d: S-84-18-P Smith

Speaking to the Application: Ron Smith

Discussion:

Applications for consent have been received for the creation of three new lots from an existing property at Part Lots 4 & 5, Concession 14, District of Portland, Township of South Frontenac, municipally known as 1023 Pepper Lane. The existing lot has frontage on Hinchinbrooke Road North and is developed with a dwelling being accessible by Pepper Lane, a private right-of-way that dissects the property. The lot is heavily vegetated with a cleared easement for the Hydro One transmission corridor. The application is proposing to sever approximately 30 acres from the existing

55 acre lot to create three new residential lots with frontage on Howes Lake and Hinchinbrooke Road North.

S-84-18-P

Consent application S-84-18-P is for the creation of a vacant rural waterfront residential lot. The proposed new lot will have approximately 84 metres of frontage along Hinchinbrooke Road North, approximately 141 metres of frontage along Howes Lake and is approximately 5.6 acres in area. The lot will be regularly shaped with a depth of approximately 275 metres. A new entrance is proposed off Hinchinbrooke Road North to accommodate future development on the severed lot. The Hydro One transmission corridor terminates at the property before crossing Howes Lake.

Retained Lot

The retained lands will consist of approximately 24 acres in area with approximately 193 metres of frontage along Hinchinbrooke Road North and 335 metres of frontage along Howes Lake. The retained lands will contain the dwelling on the property as well as Pepper Lane, a right-of-way that dissects the property. No further development is proposed for the retained lands.

KFL&A Health Unit & Quinte Conservation had no objections to the proposed severances. Hydro One has no objections provided that their easement is maintained. Public Works has no objection to the proposed entrance along Hinchinbrooke Road North.

An adjacent landowner, KFL&A Land Trust expressed concerns about the proposed severance. Mary Alice Snetsinger, the Vice President of the KFL&A Land Trust spoke to the concerns of the group. They own Myer Woods located north of the first of the 3 lots. They have put a lot of work into improving and protecting the adjacent lands. There was concern that it may be unclear where the lot line between the severed lot and the lands owned by the Land Trust are located and this may lead to future owners of the severed parcel trespassing and dumping garbage on lands owned by the Trust. The KFL&A Land Trust requested the Committee of Adjustment require the northern most lot to post notices along the lot line marking the boundary in between the conservation lands owned by the Trust and the waterfront residential lot.

Ron Smith, father of the applicant Mike Smith, spoke to the concerns of the KFL&A Land Trust. He agreed that due to the densely vegetated lot, it is difficult to tell where one property starts and stops. He wouldn't want to see restrictions put on the proposed lots that would be over and above what would normally be required by the zoning and building by-laws. Mr. Smith noted that proper signage to identify the lot line of the northern-most lot and how the Land Trust expects their property to be treated would be welcomed. Reg Genge stated that the Land Trust could reach out to neighbouring property owners to inform them and educate them about the value of the property they manage at Myers Woods. M. Snetsinger of the KFL&A Land Trust stated that they do education with neighbours all the time.

RESOLUTION: C of A: 18:09:07

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-84-18-P by Michael Smith, Concession 14, part lots 4 & 5, Geographic Township of Portland, Howes Lake, municipally known as 1023 Pepper Lane, to create a new waterfront residential lot with frontage on Hinchinbrooke Rd.. N. and Howes Lake, subject to conditions.

Carried

Application No: S-84-18-P
Owner: Michael Smith
Location of Property: Concession 14, Part Lot 5, Hinchinbrooke Road N., Howes Lake, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create one new waterfront lot
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

Conditions:

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-84-18-P shall be for the creation of a lot with an area of approximately 5.6 acres with approximately 84 metres of frontage along Hinchinbrooke Road North and approximately 141 metres of frontage along Howes Lake.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official 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 date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #5 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 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.

Municipal Requirements

5. 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.

6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-84-18-P in lieu of parkland [Planning Act, s. 51(1)].
7. 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.

Zoning

Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Item #7e: S-85-18-P Smith

Speaking to the Application: Ron Smith

Discussion:

Applications for consent has been received for the creation of three new lots from an existing property at Part Lots 4 & 5, Concession 14, District of Portland, Township of South Frontenac, municipally known as 1023 Pepper Lane. The existing lot has frontage on Hinchinbrooke Road North and is developed with a dwelling being accessible by Pepper Lane, a private right-of-way that dissects the property. The lot is heavily vegetated with a cleared easement for the Hydro One transmission corridor. The application is proposing to sever approximately 30 acres from the existing 55 acre lot to create three new residential lots with frontage on Howes Lake and Hinchinbrooke Road North.

S-85-18-P

Consent application S-85-18-P is for the creation of a vacant rural waterfront residential lot. The proposed new lot will have approximately 105 metres of frontage along Hinchinbrooke Road North, approximately 105 metres of frontage along Howes Lake and is approximately 13.1 acres in area. The lot will be irregularly shaped with a depth of approximately 320 metres along each side. The irregular shape of the lot results from previous lot creation along Howes Lake and the configuration of the shoreline. A new entrance is proposed off Hinchinbrooke Road North to accommodate future development on the severed lot. A right-of-way access is also proposed from Pepper Lane to provide access to the waterfront without requiring the construction of a road under the Hydro One transmission corridor.

Retained Lot

The retained lands will consist of approximately 24 acres in area with approximately 193 metres of frontage along Hinchinbrooke Road North and 335 metres of frontage along Howes Lake. The retained lands will contain the dwelling on the property as well as Pepper Lane, a right-of-way that dissects the property. No further development is proposed for the retained lands.

KFL&A Health Unit & Quinte Conservation had no objections to the proposed severances. Hydro One has no objections provided that their easement is maintained. Public Works has no objection to the proposed entrance along Hinchinbrooke Road North.

An adjacent landowner, KFL&A Land Trust expressed concerns about the proposed severance. Mary Alice Snetsinger, the Vice President of the KFL&A Land Trust, spoke to the concerns of the group. They own Myer Woods located north of the first of the 3 lots. They have put a lot of work into improving and protecting the adjacent lands. There was concern that it may be unclear where the lot line between the severed lot and the lands owned by the Land Trust are located and this may lead to future owners of the severed parcel trespassing and dumping garbage on lands owned by the Trust. The KFL&A Land Trust requested the Committee of Adjustment require the northern most lot to post notices along the lot line marking the boundary is between the conservation lands owned by the Trust and the waterfront residential lot.

Ron Smith, father of the applicant Mike Smith, spoke to the concerns of the KFL&A Land Trust. He agreed that due to the densely vegetated lot, it is difficult to tell where one property starts and stops. He wouldn't want to see restrictions put on the proposed lots that would be over and above what would normally be required by the zoning and building by-laws. Mr. Smith noted that proper signage to identify the lot line of the northern-most lot and how the Land Trust expects their property to be treated would be welcomed. Reg Genge stated that the Land Trust could reach out to neighbouring property owners to inform them and educate them about the value of the property they manage at

Myers Woods. M. Snetsinger of the KFL&A Land Trust stated that they do education with neighbour all the time.

RESOLUTION: C of A: 18:09:08

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-85-18-P by Michael Smith , Concession 14, part lots 4 & 5, Geographic Township of Portland, Howes Lake, municipally known as 1023 Pepper Lane, to create a new waterfront residential lot with frontage on Hinchinbrooke Rd.. N. Pepper Lane and Howes Lake, together with a right-of-way over the retained, subject to conditions.

Carried

Application No: S-85-18-P
Owner: Michael Smith
Location of Property: Concession 14, Part Lot 5, Hinchinbrooke Road N/Pepper Lane, Howes Lake, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create one new waterfront lot, together with right-of-way access
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions
Conditions:

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-84-18-P shall be for the creation of a lot with an area of approximately 13.1 acres with approximately 105 metres of frontage along Hinchinbrooke Road North and approximately 158 metres of frontage along Howes Lake. The lot to be created shall be accessible by right-of-way from Pepper Lane to avoid the construction of a roadway through the Hydro One transmission corridor to access the waterfront.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official 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 date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #5 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 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.

Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-85-18-P in lieu of parkland [Planning Act, s. 51(1)].
7. 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.

Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Access

That the right-of-way proposed in application S-85-18-P be surveyed to a width of 20 metres and the length shown on the survey sketch provided under Project 2018-284 and constructed to the Township's private lane standards to the satisfaction of the Director of Public Services or their designate.

Item #7f: S-86-18-B Terry

Speaking to the Application: none

Discussion:

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 21, Concession 7, District of Bedford, known municipally as 169 Green Bay Road. The existing lot has frontage on Green Bay Road, Garrett Road, and Firehall Road and is approximately 31 hectares (77 acres) in area. The subject property is developed with a dwelling with access from Green Bay Road. The remainder of the lot is naturally vegetated and contains a tributary, wetlands, and a pond. The applicant is proposing to sever approximately 10 acres from the existing 77 acre lot to create one new rural residential lot with frontage on Green Bay Road.

S-86-18-B

Consent application S-86-18-B is for the creation of a vacant rural residential lot. The proposed new lot will have approximately 96 metres of frontage along Green Bay Road and is approximately 10

acres in area. The lot will be regularly shaped with a depth of approximately 380 metres. A new entrance is proposed off Green Bay Road to accommodate future development on the severed lot.

Retained Lot

The retained lands will consist of approximately 67 acres in area with approximately 425 metres of frontage along Green Bay Road, and approximately 280 metres of frontage along Garrett Road and Firehall Road. The retained lands will contain the dwelling located on the property. No further development is proposed for the retained lands.

M. Rueckwald recommended the application be deferred until KFL&A Public Health have the opportunity to be on-site and provide formal comments on this consent application.

D. Hahn said it would not be appropriate to make a decision until comments are received from the Health Unit. B. Barbeau asked if a condition could be included that the Health Unit confirm the suitable location for a septic system. D. Hahn responded that it is appropriate to wait to receive all agency comments and that while you would expect there to be a site to locate a septic system on a 10 acre severed lot – the Committee would not know for sure until the Health Unit comments on the application. J. Sherbino stated that the applicant had the opportunity to dig test holes in advance of the meeting – but they did not do that. He went on to say that while deferral is an inconvenience, he is supportive of a deferral on this application at this time.

RESOLUTION: C of A: 18:09:09

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of adjustment hereby **defers** consent application S-86-18-B, by Doug Terry, Concession 7, part lot 21, Geographic Township of Bedford, municipally known as 169 Green Bay Road, until comments are received from KFL&A Public Health.

Carried

Application No: S-86-18-B
Owner: Doug Terry
Location of Property: Concession 7, Part Lot 21, Geographic Township of Bedford,
 169 Green Bay Road
Purpose of Application: Consent to create one new lot
Date of Hearing: October 11, 2018
Date of Decision: deferred

DECISION: **DEFER consent application S-86-18-B until comments are received from KFL&A Public Health**

Item #7g: S-87-18-L Green

Speaking to the Application: none

Discussion:

An application for consent has been received for the conveyance of a lot addition from an existing rural property at Part Lot 22, Concession 8, District of Loughborough, municipally located along Dean Smith Road and Leland Road to an abutting property municipally known as 908 Leland Road. The existing lot has frontage on Dean Smith Road and Leland Road and is vacant. The applicant is proposing to sever approximately 1.5 acres from the existing 13 acre lot to be added to a developed rural residential lot with frontage on Leland Road.

S-87-18-L

Consent application S-87-18-L is for the conveyance of 1.5 acres of land with approximately 60 metres of frontage along Leland Road to a developed lot municipally known as 908 Leland Road. The proposed benefitting lands will increase in size from 1 acre to 2.5 acres and in frontage from 67 metres to 127 metres along Leland Road. This will bring the benefitting lands into compliance with the current provisions for rural residential lots.

Retained Lot

The retained lands will consist of approximately 11.5 acres with approximately 230 metres of frontage along Dean Smith Road. The retained lands will be vacant, but it is anticipated that they will be developed for residential purposes.

KFL&A Public Health had no objections to this application.

Both R. Sutherland and J. Sherbino expressed support for this severance application.

RESOLUTION: C of A: 18:09:10

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-87-18-L, by Caroline Green, Concession 8, part lot 22, Geographic Township of Loughborough, municipally known as Dean Smith and Leland Roads, to create a lot addition, subject to conditions.

Carried

Application No: S-87-18-L
Owner: Carolyn Green
Location of Property: Concession 8, Part Lot 22, Dean Smith Road/Leland Road, District of Loughborough, Township of South Frontenac
Purpose of Application: Consent for lot addition
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018
DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-87-18-L shall be for a lot addition with an area of approximately 1.5 acres and 60 metres of frontage along Leland Road to be conveyed only to 908 Leland Road (Roll no. 102904004019740).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part 1 Reference Plan 13R-5588 (PIN 36283-0066), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and

the Certificate of Official 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 date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

5. The surveyor who prepares the reference plan referred to in Condition #4 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 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.

Municipal Requirements

6. 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.
7. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
8. 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.

Zoning

9. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Item #7g: S-88-18-S 132789 Ontario Inc.

Speaking to the Application: none

Discussion:

An application for consent has been received for the creation of one new rural residential lot from an existing property at Part Lots 23 & 24, Concession 3/4, District of Storington, Township of South Frontenac.

This application is the resubmission of consent application S-36-17-S which lapsed as the conditions were not fulfilled within the one year timeframe.

The existing lot has frontage on Round Lake Road and is accessed by Sweetfern Lane, a private lane dissecting the property. The lot is heavily vegetated, contains some natural features, is dissected by Sweetfern Lane and has frontage along Inverary Lake. The application is proposing to sever approximately 15 acres from a 52 acre lot in order to create one rural residential lot with frontage on Round Lake Road and Sweetfern Lane.

S-88-18-S

Consent application S-88-18-S is for the creation of a developed rural residential lot that is approximately 15 acres in area. The proposed lot will have approximately 106 metres of frontage along Round Lake Road and over 300 metres of frontage along Sweetfern Lane. The proposed severed lot will not have frontage along Inverary Lake. The lot will be irregularly shaped due to the configuration of the existing lot and neighbouring properties. No new entrance is proposed because the lot is already developed.

Retained Lot

The retained lands will consist of approximately 37 acres of area with approximately 450 metres of frontage long Sweetfern Lane East. The retained lands will have approximately 450 metre of frontage along Inverary Lake and contain all of the waterfrontage of the existing parcel. No further development is proposed for the retained lands at this time, though suitable building envelopes exist to accommodate future development.

R. Sleeth confirmed this application is an identical resubmission of severance application S-36-17-S submitted previously based on his site visit of the property.

RESOLUTION: C of A: 18:09:11

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-88-18-S, by 1324789 Ontario Inc, concessions 3 and 4, part lot 23/24, Geographic Township of Storrington, Township of South Frontenac, Round Lake Road/Sweetfern Lane, to create rural residential lot, subject to conditions.

Carried

Application No: S-88-18-S
Owner: 1324789 Ontario Inc.
Location of Property: Concession 3/4, Part Lot 23/24, Round Lake Road/Sweetfern Lane, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create one new lot (RE-SUBMISSION)
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

Conditions:

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-88-18-S shall be for the creation of a lot with an area of approximately 15 acres with approximately 106 metres of frontage along Round Lake Road and over 300 metres of frontage along Sweetfern Lane together with a right-of-way over Sweetfern Lane.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official 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 date the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 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 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.

Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-88-18-S, in lieu of parkland [Planning Act, s. 51(1)] or confirmation that the Township received this through consent application S-36-17-S.
7. 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.

Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Access

9. That the right-of-way proposed in application S-88-18-S over Sweetfern Lane to the retained parcel shall be surveyed according to the Township's standards for new private lanes. The

right-of-way access shall be recognized on the deeds of the lot to be accessed and the property over which is accesses.

Item #8: Minor Variances

Item #8a: MV-04-18-B Marchildon & Smith

Speaking to the Application: Reg Genge, Andrew Evans, Ron Vanderwall

Discussion:

The subject property is an oversized lot with approximately 1000 metres of frontage on Devil Lake. The subject property comprises the entirety of the island, approximately 8.8 acres in size. The Cataraqui Region Conservation Authority characterizes the topography of the island where the development is proposed as, "sloping from the water up to a high plateau area and then dropping down steeply on the south side of the plateau to the shoreline along the south side of the island," (letter dated October 4, 2018). Correspondence submitted by Ontario Lake Assessments and Environmental Education Services dated April 23, 2015 indicate there is a water depth of 2-5 metres within a few meters of the shoreline with much submerged woody debris along most of the shoreline. Devil Lake is identified as a lake trout lake at capacity. The EIA identified potential lake trout spawning shoals exists to the north east exposure of the island; MNR staff indicated that there are no records of spawning shoals around Island 50 but emphasized that this does not eliminate the need to be vigilant in the event one does exist.

The application was previously before the Committee of Adjustment in June, 2018. At the meeting, the Committee voted to defer the application until Cataraqui Regional Conservation Authority staff could visit the property and KFL&A Public Health determine if there was a suitable location for septic in the future. A revised preliminary EIA was submitted by Ontario Lake Assessments and Environmental Education Services addressing concerns of the CRCA that were brought forward at the June meeting. The amended application seeks a reduction of 5 metres (previous reduction requested was 10 metres) which recognizes the constraints identified on the property while increasing the vegetated buffer depth an additional 5 metres.

The Cataraqui River Conservation Authority had no objections, provided the Ministry of Environment, Conservation and Parks had no objections. The Ministry of Environment, Conservation and Parks has no objection to the proposal provided the septic system is located outside of the 30 metre setback from the high water mark. KFL&A had no objections to the proposed severance.

D. Hahn stated that he was glad to see that the application was modified to meet the 25m setback and that the agencies were agreeable to supporting the modified application.

Andrew Evans, who owns Island 48 and is a neighbour of Guy Marchildon, spoke in support of the application.

R. Vanderwall inquired if the Island has mainland parking. R. Genge (agent) confirmed Mr. Marchildon does have mainland parking.

RESOLUTION: C of A: 18:10:12

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-04-18-B, as amended, by Guy Marchildon and Nicole Smith, concession 10, part lot 8, Island 50, Devil Lake, District of Bedford, to reduce the waterbody setback from 30 metres to 25 metres at the closest point to permit the construction of a seasonal dwelling on the property, subject to conditions.

Carried

Application No: MV-04-18-B
Owner: Guy Marchildon and Nicole Smith
Location of Property: Concession 10, Part Lot 8, Island 50, Devil Lake, District of Bedford, Township of South Frontenac

Purpose of Application: To vary section 5.8.2.a and 11.3.1 of the Comprehensive Zoning Bylaw 2003-75 to permit a reduction of the setback from the high water mark of Devil Lake from 30 metres to 25 metres.

Date of Hearing: October 11, 2018

Date of Decision: October 11, 2018

DECISION: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the construction of a two-storey dwelling that is located no closer than 25 metres to the subject property with exterior dimensions of the cottage being 24 feet by 36 feet.
2. Minor variance MV-04-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. The applicant shall enter into a site plan agreement with the Township to be registered on title as required in the Official Plan. The agreement shall set out the Township's environmental policies, and that a permit may be required from Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item #8b: MV-18-18-B Freedman

Speaking to the Application: Ethan Geer

Discussion:

An application for minor variance has been submitted to recognize the location of the original cottage on the subject property and a change of use to a workshop/storage/swimming base at 4.3 metres from the high water mark of Buck Lake at Part Lots 3 & 4, Concession 14, District of Bedford, known municipally as 1600B Massassauga Road. The subject property is approximately 1.1 acres in area with 100 metres of frontage along Buck Lake and an average lot depth of approximately 50 metres. The lot is undersized compared to the current standards but has an adequate depth to accommodate development outside of the 30 metre setback. The application was previously deferred at the September Committee of Adjustment meeting to allow the applicants and planning staff time to review the comments received from the commenting agencies.

The applicant is proposing to convert the original dwelling on the subject property into an accessory building that would include a workshop/storage/swimming base. The building has a floor area of 550 square feet and is located 4.3 metres from the high water mark of Buck Lake. The variance is being sought to permit additional space within the desired location in close proximity to the waterfront. Minor variance is required to recognize the placement of the structure at its current location as the structure will be located within the waterbody setback established in the South Frontenac Zoning By-law 2003-75:

1. Section 5.8.2.a:
No building or structure or septic tank installation shall be located within 30 metres horizontal of the highwater mark of a waterbody or permanent watercourse.

Requested variance from this section:

- a. Proposed converted dwelling to workshop/storage/swimming base located 4.3 metres at the closest point (variance request of 25.7 metres).

2. Section 10.3.1:

Principal building setback from highwater mark or floodline of a body of water (minimum) is 30 metres.

Requested variance from this section:

- a. Proposed converted dwelling to workshop/storage/swimming base located 4.3 metres at the closest point (variance request of 25.7 metres).

Background – File History

In 2017, the owners obtained a building permit for the construction of a new seasonal dwelling on the property outside of the 30 metre setback. The issuance of the building permit was preceded by a permit to demolish the existing cottage; this complied with the Township's Zoning Bylaw which permits one dwelling unit per lot in the Residential Limited Services – Waterfront zone. Further, it has been a Township practice to permit the original cottage to stay on the property while a new cottage is being built for the convenience of the property owners; this is permitted with the understanding that the original cottage would be demolished shortly after the new cottage is completed. The applicants then applied for a permit to relocate the structure to a location that was compliant with the Zoning Bylaw and use the structure as an accessory building. In order to recognize the structure in the current location, planning approvals are required.

Neither the Ministry of Environment, Conservation and Parks, nor the Cataraqui River Conservation Authority are supportive of this application. The South Frontenac Building Department does not support the application for a variance based on the history of the file and the information previously provided to the applicant.

D. Hahn looked at the site and was surprised to see how close the original cottage is close to the lake. He stated it would be hard to ensure the original cottage would remain used for the purposes the applicants state that it will be used for (e.g. swimming base and day lounge) over the long term. D. Hahn expressed support for the agency comments and the Planning Department recommendations.

J. Sherbino expressed concerns that approving this application could set a precedent. Based on the history of this file and acting in good faith – the applicants should uphold the original agreement to remove the original cottage.

R. Sutherland stated that he understood the concerns of the agencies and that there was an interest to in improving the quality of the lake. He expressed the opinion that the trees that would need to be removed in order to move or demolish the original cottage, could be replaced and grow up within the next few years and that the mess would be improved along impact to the lake health.

RESOLUTION: C of A: 18:10:13

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of adjustment hereby denies minor variance application MV-18-18-B by Eric and Cheryl Freedman, Concession 14, part lot 3, 1600B Massassauga Road, District of Bedford, to reduce the waterbody setback from 30 metres to 4.3 metres at the closest point to permit the original cottage on the property to be converted for storage, workshop and swimming base, subject to conditions.

Carried

Application No: MV-18-18-B
Owner: Eric & Cheryl Freedman
Location of Property: Concession 14, Lot/Part Lot 3/4, 1660 B Massassauga Road, District of Bedford, Township of South Frontenac
Purpose of Application: To vary sections 5.8.2a and 11.3.1 of the Comprehensive Zoning By-law 2003-75 to permit retention of a second cottage for use as storage, workshop and swimming base
Date of Hearing: October 11, 2018
Date of Decision: October 11, 2018
Decision: MINOR VARIANCE DENIED

Reason for the Decision:

1. It is not minor
2. It is not desirable for the appropriate development or use of the land.
3. It does not meet the general intent of the Official Plan
4. It does not meet the general intent of the Comprehensive Zoning By-law.

Item #9: Other Business

none

Item #10: Adjournment

RESOLUTION: C of A: 18:10:14

Moved by: Ron Sleeth Seconded by: Ken Gee

THAT the October 11, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:30 p.m. to reconvene at 7:00 p.m. on Thursday, November 8, 2018 or at the call of the Chair.

Carried

Alan Revill
Chair

Megan Rueckwald
Secretary-Treasurer