



TOWNSHIP OF SOUTH FRONTENAC  
PLANNING DEPARTMENT



MINUTES 18:12

December 13, 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)  
Ross Sutherland (Loughborough District-C)  
Ron Sleeth (Storrington District-C)  
John Sherbino (Loughborough District)

ABSENT WITH REGRETS: None

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

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**Item #1: Call to Order**

RESOLUTION: C of A: 18:12:01

Moved by: John Sherbino

Seconded by: Ross Southerland

THAT the November 8, 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

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**Item #2: Adoption of the Agenda**

RESOLUTION: C of A: 18:12:02

Moved By: John Sherbino

Seconded by: Ross Southerland

Approved, with inclusion of item 7c to appoint Secretary-Treasurer to Committee of Adjustment and move item 7b to recognize the longstanding service of Committee of Adjustment members as item 4b.

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**Item #3: Declaration of Pecuniary Interest**No Pecuniary Interest declared.

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**Item #4: Approval of Minutes**

RESOLUTION: C of A: 18:12:03

Moved by: Ross Southerland

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the November 8, 2018 meeting of the Committee, as circulated.

Carried

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**Item #4b**

The South Frontenac Township Committee of Adjustment recognized the longstanding service of member Larry Redden who sat as a member of the SF Committee of Adjustment for 37 Years. Mr. Redden was presented a certificate by committee chair, Alan Revill.

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**Item #5: Consents**

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**Item #5a: S-94-18-S Kauffman**

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 41, Concession 7, District of Storrington, known municipally as 2961 Bear Creek Road (see attached map). The existing lot has frontage along Bear Creek Road and Beachnut Hill Road and is approximately 18 acres in area. The subject property is developed with a dwelling and accessory structures with access from Bear Creek Road. The remainder of the property is naturally vegetated and contains natural features including a watercourse on the north end of the retained lands and protection of significant woodlands. The applicant is proposing to sever approximately 2 acres from the existing 18 acre lot to create one new rural residential lot with frontage along Beachnut Hill Road.

S-94-18-S

Consent application S-94-18-S is for the creation of a vacant rural residential lot. The proposed new lot will have a minimum of 76 metres (250 feet) along Beachnut Hill Road and a minimum area of 2

acres. The lot will be regularly shaped with a depth of approximately 106 metres. A new entrance is proposed off of Beachnut Hill Road to accommodate future development on the severed lot.

Retained Lot

The retained lands will consist of approximately 16 acres in area with over 300 metres along Beachnut Hill Road and 200 metres along Bear Creek Road. The retained lands will contain the dwelling and accessory structures located to the north on the retained lands. No further development is proposed for the retained lands.

M. Rueckwald noted that public works has no objection, KFL&A Public Health have no objections, but note that a 400 square metre reserve shall be identified around test hole #1 as surface runoff patterns may impact a septic system in the location of test hole #2. Soil conditions on the lot will require additional suitable granular soil to construct the septic system; this will be determined when an application to construct a sewage disposal system is applied for.

Public comments had been received from a neighbouring land owner with respect to the size of the lot being 2 acres; the comments believed rural lots in South Frontenac should be 8-10 acres in size so as to not devalue the neighbouring lots. Planning staff spoke with the neighbour and advised 2 acres is currently the minimum lot size in the Township.

R. Sleeth comments that he had viewed the lot and does not see an issue with the application.

RESOLUTION: C of A: 18:12:04

Moved by: Ross Southerland

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-94-18-S by Sarah & Jason Kauffman, to create a new 2 acre residential lot in Concession 7, Part Lot 41, District of Storrington, municipally known as Beachnut Hill Road, subject to conditions.  
Carried

<b>Application No:</b>	S-94-18-S
<b>Owner:</b>	Kauffman
<b>Location of Property:</b>	Part Lot 41, Concession 7, District of Storrington, Township of South Frontenac, municipally known as 2961 Bear Creek Rd and Beachnut Hill Road
<b>Purpose of Application:</b>	Consent to create one new lot
<b>Date of Hearing:</b>	December 13, 2018
<b>Date of Decision:</b>	December 13, 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-94-18-S shall be for the creation of a lot with a minimum area of 2 acres with a minimum of 76 metres of frontage along Beachnut Hill Road as per the application sketch.

### 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 #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 Application S-94-18-S, 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 shall be obtained to the satisfaction of the Municipality.

## Well Capacity

9. 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-94-18-S.
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## **Item #5b: S-95-18-L and MV-29-18-L Snider**

Speaking to the Application: none

Discussion:

An application for consent together with a minor variance has been submitted for the creation of one new lot with deficient area and frontage from an existing property at Part Lot 4, Concession 4, District of Loughborough, Township of South Frontenac, municipally known as 2869 Rutledge Road (see attached map). The existing lot has frontage along Rutledge Road, Stage Coach Road and Lambert Road and is approximately 86 acres according to MPAC. The subject property is developed with a dwelling and accessory structures that are accessible from Rutledge Road. Agricultural land uses and structures are located on the retained lands that will be accessed from stage Coach Road. The lands are predominately used for field crops and there are no livestock on the property. The applicant is proposing to sever approximately 0.9 acres from the existing 86 acre lot to create one new urban residential lot containing the existing dwelling.

### S-95-18-L

Consent application S-95-18-L is for the creation of a developed urban residential lot within the settlement area of Sydenham. The proposed new lot will have approximately 50 metres of frontage along Rutledge Road and will be 0.9 acres in area. The lot will be irregularly shaped due to the configuration of the existing lot and natural point of severance along the existing fence line. The lot will be accessed from Rutledge Road, where the dwelling is currently accessed by.

### Retained Lot

The retained lands will consist of approximately 85 acres in area with over 1km of frontage along Stage Coach Road and approximately 300 metres along Lambert Road. The retained lands will contain the agricultural and accessory structures on the subject property as well as cleared areas for field crops. No further development is proposed for the retained lands.

### MV-29-18-L

Relief is being sought from Section 14.3 of the Township of South Frontenac Comprehensive Zoning Bylaw to facilitate the creation of one new urban residential lot through consent application S-95-18-L. The applicant seeks relief from the following section in the Township's Zoning Bylaw as the proposed lot will be deficient in area and lot frontage:

1. Section 14.3 Urban Residential Zone Regulations: For a single detached dwelling the minimum lot area is 2 acres.  
Requested variance from this section:
  - a. Consent application S-95-18-L is for the creation of a lot with a lot area of 0.9 acres (variance request of 1.1 acres).
2. Section 14.3 Urban Residential Zone Regulations: For a single detached dwelling the minimum front yard is 76 metres.  
Requested variance from this section:
  - a. Consent application S-95-18-L is for the creation of a lot with road frontage of 50 metres along Rutledge Road (variance request of 26 metres).

Upon review of the application and survey submitted, planning staff recognized that the applicant may also need to seek a reduction in the rear yard setback for the retained lands. An existing drive shed is located in close proximity to the proposed lot line. Section 7.3 Rural Zone Regulations requires that accessory buildings shall be located no closer than 3 metres from any interior lot line or rear lot line. When completing the site visit, planning staff noted that the existing fence line may be located just within the 3 metre setback from the drive shed. As such, planning staff are recommending that the Committee of Adjustment consider a reduction of 0.5 metres from the rear lot line of the proposed retained lands.

3. Section 7.3 Rural Zone Regulations: No accessory building shall be located less than 3 metres from any interior lot line or rear lot line.

Requested variance from this section:

- a. Drive shed located on the retained lands as part of consent application S-95-18-L located 2.5 metres from the rear lot line (variance request of 0.5 metres).

M. Rueckwald noted that Public Works has no objection approving an entrance permit for the retained lands.

KFL&A Public Health commented that they have no objection to the consent application and noted that suitable area exists on the lot to replace the septic system in the same location it and when the system is required to be replace.

Written comments were received from the public requesting to be notified of the decision.

R. Sutherland commented that this lot creation works well for the village.

RESOLUTION: C of A: 18:12:05

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-95-18-L by D'arcy Snider , to create a new .9 acre residential lot in Concession 4, Part Lot 4, District of Loughborough, municipally known as 2869 Rutledge Road , subject to conditions.  
Carried

**Application No:** S-95-18-L  
**Owner:** D'Arcy Snider  
**Location of Property:** Part Lot 4, Concession 4, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** December 13, 2018  
**Date of Decision:** December 13, 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-95-18-S shall be for the creation of a lot with a minimum area of 0.9 acres with approximately 50 metres of frontage along Rutledge Road as per the application sketch submitted.

### 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 #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:
  - d. *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.*
  - e. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - f. 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-95-18-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.

### Zoning

8. The applicant shall obtain planning approvals to permit the reduction in area and frontage of the lot created through consent application S-95-18-L.

### Connection to Municipal Services

The applicant must demonstrate to the Township that the dwelling on the severed lot has been connected to municipal water services.

### **Item #5c: S-96-18-B Doornekamp (Pritchard)**

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 20, Concession 3, District of Bedford, municipally known as 88 Northwood Lake to an abutting property municipally known as 114 Northwood Lane. The existing property has frontage on Green Bay Road and Northwood Lane and is developed with a dwelling and various accessory structures. The applicant is proposing to convey approximately 1 acre from the existing 54 acre lot to be added to a developed rural residential lot with frontage on Bobs Lake.

### S-96-18-B

Consent application S-96-18-B is for the conveyance of 1 acre of land with no road frontage or waterfrontage to a developed lot municipally known 114 Northwood Lane. The proposed benefitting lands will increase in size from 0.9 acres to just under 2 acres, bringing the lot closer to compliance with the current provisions for waterfront residential lots. The benefitting lands will increase the size of the lot to permit the construction of a garage on the property.

### Retained Lot

The retained lands will consist of approximately 53 acres with over 500 metres of frontage along Green Bay Road and Northwood Lane. No further development is proposed for the retained lands, though sufficient area exists for future development.

M Rueckwald noted that the RVCA commented that they had no objection to the application but they would like to see the benefitting lands shall be re-naturalized.

KFL&A Public Health comments were received after the writing of the report and they have no objections to the application.

D Hahn commented that it is always a good thing to make a small lot bigger.

RESOLUTION: C of A: 18:12:06

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-96-18-B by Rene Doornekamp, to convey a 1 acre lot addition to property in Concession 3, Part Lot 20, District of Bedford, municipally known as Northwood Lane, subject to conditions.



Carried

**Application No:** S-96-18-B  
**Owner:** Rene Doornekamp  
**Location of Property:** Part Lot 20, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 88 Northwood Lane  
**Purpose of Application:** Consent for conveyance of a lot addition

**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 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-96-18-B shall be for a lot addition with an area of approximately 1 acre to be conveyed only to 114 Northwood Lane (Roll no. 102901002025300).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 20, Concession 3 (PIN 362420542), 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 re-conveyed 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)].

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 \$100 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. That the land to be conveyed through consent S-96-18-B shall be rezoned to create a consistent zone with the benefitting lands; planning staff are recommending that this be Limited Service Waterfront Residential. Contact the Township Planning Department to begin this process.
9. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning shall be obtained to the satisfaction of the Municipality.

**Item #5d: S-97-18-B McSorley**

Speaking to the Application:

Discussion:

An application for consent has been received for the conveyance of a lot addition from an existing rural waterfront property at Part Lot 6, Concession 3, District of Bedford, municipally known as Second Heaven Lane to an abutting property municipally known as 71 Second Heaven Lane. The existing lot has frontage along Thirty Island Lane and frontage along Second Heaven Lane and is vacant. The applicant is proposing to convey approximately 2.7 acres with 102 metres along Thirty Island Lake and 77 metres along the private lane.

S-97-18-B

Consent application S-97-18-B is for the conveyance of 2.7 acres of land with approximately 102 metres of frontage along Thirty Island Lake to a developed lot municipally known as 71 Second Heaven Lane. The proposed benefitting lands will increase in size from 2.5 acres to 5.2 acres; the lands to be conveyed will increase the size of the waterfront lot and add additional buffering space.

Retained Lot

The retained lands will consist of approximately 26 acres with approximately 360 metres of frontage along Second Heaven Lane and the required 91 metres of frontage along Thirty Island Lake. No development is proposed for the retained lands; sufficient area exists to develop the lot in the future.

M. Rueckwald outlined that Public Health and the Cataraqui Region Conservation Authority had no objections to the lot addition application and no public comments had been received.

D. Hahn commented that it is good to make a lot bigger.

RESOLUTION: C of A: 18:12:07

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-97-18-B by Joan McSorley, to convey a 2.7 acre lot addition to property in Concession 3, Part Lot 6, District of Bedford, municipally known as Second Heaven Lane, subject to conditions.

Carried

**Application No:** S-97-18-B  
**Owner:** McSorley

**Location of Property:** Part Lot 6, Concession 3, District of Bedford, Township of South Frontenac, municipally known as Second Heaven Lane

**Purpose of Application:** Consent for a lot addition

**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 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-97-18-B shall be for a lot addition with an area of approximately 2.7 acres and 102 metres of frontage along Thirty Island Lake to be conveyed only to 71 Second Heaven Lane (Roll no. 102902004005630).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 6, Concession 13 (PIN 362510301), 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 re-conveyed 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)].

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 \$100 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 shall be obtained to the satisfaction of the Municipality.
9. That the land to be conveyed through consent S-97-18-B be rezoned to one consistent zone of the benefitting lands to recognize the enhanced setback provisions of 40 metres. Contact the Township Planning Department to begin this process.

### **Item #5e: S-98-18-B Stewart and Petryshen**

Speaking to the Application: none

Discussion:

An application for consent has been received for the conveyance of a lot addition from an existing rural waterfront property at Part Lot 26, Concession 10, District of Bedford, municipally known as 344 Briggs Lane to an abutting property municipally known as 279 Briggs Lane (see attached map). The existing lot has frontage along Wolfe Lake and Briggs Lane and is developed with a seasonal dwelling. The applicant is proposing to convey approximately 0.32 acres with 46 metres of frontage along Briggs Lane and no waterfrontage.

### S-98-18-B

Consent application S-98-18-B is for the conveyance of 0.32 acres of land with approximately 46 metres (150 feet) of frontage along Briggs Lane to a developed lot municipally known as 279 Briggs Lane. The proposed benefitting lands will increase in size from approximately 47 acres to 47.5 acres (following both lot additions S-98-18-B & S-99-18-B). The applicant is applying for the lot addition to convey access to the right-of-way known as Briggs Lane in order to provide legal deeded access for 279 Briggs Lane. Once legal deeded access is secured, it is planning staff's understanding that a conservation easement will be placed on 279 Briggs Lane. A land swap is proposed with application S-98-18-B and S-99-18-B, which will facilitate a lot addition from 279 Briggs Lane to 344 Briggs Lane.

### Retained Lot

The retained lands will consist of approximately 6 acres with approximately 321 metres of frontage along Briggs Lane and 63 metres of frontage along Wolfe Lake. No development is proposed for the retained lands; sufficient area exists to develop the lot in the future. Consent application S-99-18-B proposes to increase the size of the retained lands through the conveyance of a 0.9 acre lot addition with 10 metres of frontage.

M. Rueckwald commented that RVCA have no objection to the application but that they commented the lot line will dissect a wetland, however, they noted it already does.

Sharon Carr spoke in support of the application as a neighbour stating that it gives access to the land and is a step toward nature conservancy.

RESOLUTION: C of A: 18:12:08

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-98-18-B by Susan Stewart & Ken Petryshen, to convey .32 acre lot addition to property in

Concession 10, Part Lot 26, District of Bedford, municipally known as 344 Briggs Lane, subject to conditions.

Carried

**Application No:** S-98-18-B  
**Owner:** Susan Stewart and Ken Petryshen  
**Location of Property:** Part Lot 26, Concession 10, District of Bedford, Township of South Frontenac, Briggs Lane  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** December 13, 2018  
**Date of Decision:** December 13, 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-98-18-B shall be for a lot addition with an area of approximately 0.32 acres and approximately 46 metres of frontage along Briggs Lane to be conveyed only to 279 Briggs Lane (Roll no. 102901001020100).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 27, Concession 10 (PIN 362390476), 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 re-conveyed 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)].

##### 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 \$100 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 shall be obtained to the satisfaction of the Municipality.

### **Item #5f: S-99-18-B MacDougall**

Speaking to the Application: none

Discussion:

An application for consent has been received for the conveyance of a lot addition from an existing rural waterfront property at Part Lot 27, Concession 10, District of Bedford, municipally known as 279 Briggs Lane to an abutting property municipally known as 344 Briggs Lane (see attached map). The existing lot has frontage along Wolfe Lake and Briggs Lane and is vacant. The applicant is proposing to convey approximately 0.9 acres with 10 metres of frontage along Wolfe Lake and no road frontage.

### S-99-18-B

Consent application S-99-18-B is for the conveyance of 0.9 acres of land with approximately 10 metres (33 feet) of frontage along Wolfe Lake to a developed lot municipally known as 344 Briggs Lane. The proposed benefitting lands will increase in size from approximately to 5.93 acres with 73 metres of waterfrontage following both lot additions. The applicant is applying for the lot addition to convey a sliver of waterfrontage in exchange for a lot addition to provide legal deeded access to the subject property as detailed in S-98-18-B.

### Retained Lot

The retained lands will consist of approximately 47.5 acres with approximately 46 metres of frontage along Briggs Lane and 630 metres of frontage along Wolfe Lake (following both lot additions). No development is proposed for the retained lands; sufficient area exists to develop the lot in the future. It is planning staff's understanding that the owner of the retained lands is applying for a conservation easement.

RESOLUTION: C of A: 18:12:09

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-99-18-B by Elizabeth MacDougall, to convey 0.89 acre lot addition to property in Concession 10, Part Lot 27, District of Bedford, municipally known as 279 Briggs Lane, subject to conditions.

Carried

**Application No:** S-99-18-B  
**Owner:** Elizabeth MacDougall  
**Location of Property:** Part Lot 27, Concession 10, District of Bedford, Township of South Frontenac, municipally known as 279 Briggs Lane  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 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-98-18-B shall be for a lot addition with an area of approximately 0.9 acres and approximately 10 metres of frontage along Wolfe Lake to be conveyed only to 344 Briggs Lane (Roll no. 102901001010708).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 26, Concession 10 (PIN 362390482), 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 re-conveyed 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)].

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 \$100 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 shall be obtained to the satisfaction of the Municipality.

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**Item #6: Minor Variances**

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**Item #6a: MV-19-18-S Seamone**

Speaking to the Application: none

Discussion:

An application for minor variance has been submitted to permit the construction of a new dwelling at Part Lot 16, Concession 8, District of Storrington, municipally known as 96 Hewett Lane (see attached map). The property has frontage along Dog Lake and is accessed by Hewett Lane, a private lane. The property is part of a peninsula that projects into Dog Lake with over 300 metres of frontage along the lake.

The applicant is proposing to tear down the existing dwelling and construct a new dwelling that will be located 23.3 metres from the high water mark of Dog Lake. The applicant is seeking relief from the Zoning Bylaw to construct a dwelling that is within the 30 metre setback with a relief request of 6.7 metres on each side of the dwelling. The proposed dwelling will have a footprint of 50' by 40' with a deck 10 feet in width that runs across the front of the structure (total footprint of the structure will be 50' by 50'). The new structure will include a loft and walk-out basement that will be constructed into the natural topography of the lot. A new septic system is proposed to be constructed along the flat plateau of the property; KFL&A Public Health have no objection to the installation of the septic system. The newly proposed dwelling will increase the waterbody setback compared to the existing structure.

The application was previously deferred at the November Committee of Adjustment meeting to allow for a coordinated site visit with CRCA, KFL&A Public Health, planning staff and the applicant. It was concluded at the site visit that the setback from the point of the peninsula could be increased by 5 feet, which would increase the setback on either side of the cottage by approximately 4 feet (22 metres to 23.3 metres from the highwater mark). The applicant met with their builder to ensure this was possible and have submitted a revised application to this effect.

M. Rueckwald commented that the original application had been deferred to allow a coordinating site visit with the CRCA, KFL&A Public Health, planning staff and the applicant and this site visit had now been completed. All parties worked with the applicant and obtained a greater setback to the satisfaction of the commenting agencies a further 1.5 metre setback could be accommodated. All parties were satisfied that the setback had been maximized.

R. Sleeth commented that everything in the proposal was an improvement to the lands. C.B.O. would have to be consulted as the zoning by-law permits only one dwelling and the building application would be applied for it would be required that the original dwelling be removed.

R. Sutherland commented that there would be an existing footprint from the original cottage even if demolished and could be used for another building in the future. He would like there to be a condition in an agreement to say that the footprint is also demolished.

C. Dodds spoke to this matter stating that the Development Services Department is looking at developing an agreement and charging a fee to deal with removals of existing cottages where a permit is issued for the construction of a new cottage on the property. Staff recommended Committee of Adjustments amend proposed condition to have the applicant enter into an agreement to demolish the existing cottage within 3 months of occupancy being granted for the new cottage.

RESOLUTION: C of A: 18:12:10



Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-19-18-S, by Karen & Lorne Seamone, Concession 8, Part Lot 16, 96 Hewett Lane, Dog Lake, District of Storrington, to construct a new dwelling with an outside footprint of 50' by 50' (inclusive of decking) as per the plans submitted, subject to conditions.

Carried

**Application No:** MV-19-18-S  
**Owner:** Karen and Lorne Seamone  
**Location of Property:** Part Lot 16, Concession 8, District of Storrington, Township of South Frontenac, municipally known as 96 Hewett Lane  
**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 23.3 metres to permit the construction of a new dwelling  
**Date of Hearing:** December 13, 2018 (deferred November 8, 2018)  
**Date of Decision:** December 13, 2018  
**DECISION:** MINOR VARIANCE APPROVED, subject to conditions  
**CONDITIONS:**

1. Minor variance is for the construction of the dwelling with a footprint of 40 feet by 50 feet with a deck along the front with a maximum width of 10 feet and span on the cottage with appropriate access (total footprint of decking and dwelling is 50 feet by 50 feet).
2. Minor variance MV-19-18-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. Sediment and erosion controls between the construction area and Dog Lake are to be installed prior to the initiation of the work, remain in place until the site has been allowed to regenerate and the vegetation has been re-established.
4. All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of Dog Lake at a proper disposal site.
5. That the applicant enters into an agreement with the Township regarding the demolition of the old cottage.

**Item #6b: MV-23-18-L Wolford**

Speaking to the Application: Corey Wolford

Discussion:

An application for minor variance has been submitted to permit a reduction in the waterbody setback from Thirteen Island Lake to recognize the construction of a sleep cabin at Part Lot 1, Concession 14, District of Loughborough, municipally known as 1076 Marshall Lane (see attached map). The property has frontage along Thirteen Island Lake and is accessed by Marshall Lane, a private lane. The subject property is undersized compared to the current provisions for waterfront lots and contains an existing cottage within the waterbody setback. The application seeks to recognize the construction of a sleep cabin that was constructed without the required planning approvals.

The owner has constructed a sleep cabin that is 12 feet by 16 feet (total floor area of 192 square feet) within the waterbody setback. The setback from the structure to the waterfront is approximately 15 metres with the sleep cabin sitting at an elevated, flat point. There is a platform constructed out of decking that runs along the front of the sleep cabin.

M. Rueckwald stated that this sleep cabin makes sense in the form of creating habitable space further back from the highwater mark rather than an addition to the existing cottage that is closed to the water. KFL&A Public Health has no objection to the application though the applicants will need to work with Public Health to ensure adequate septic capacity as part of the building permit process.

Quinte Conservation has no objection.

R. Sutherland stated that he walked the property and he met the neighbours who told him the whole story with respect to the area. He noted the property is located in a lovely bay and is most likely a wonderful spawning area. Suggested planting shrubs as the land is quite barren as a condition of approval have the applicants enter into an agreement requiring revegetation of the shoreline.

J. Sherbino agreed that something needs to be done to make the ground less barren.

RESOLUTION: C of A: 18:12:11

Moved by: Brad Barbeau

Seconded by: David Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-23-18-L, by A. Wolford, C. Wolford, P. Wolford, M. Wolford, and N. Brooks, Concession 14, Part Lot 1, 1076 Marshall Lane, Thirteen Island Lake, to construct a 192 sq. ft. sleeping cabin, 15 metres from the water, subject to conditions.

Carried

**Application No:** MV-23-18-L  
**Owner:** Polly and Corey Wolford  
**Location of Property:** Part Lot 1, Concession 14, District of Loughborough, Township of South Frontenac, municipally known as 1076 Marshall Lane  
**Purpose of Application:** To vary sections 10.3 Limited Service Waterfront Residential and 5.8 Flooding and Shoreline Erosion Hazards of the Comprehensive Zoning Bylaw to permit a reduction in the waterbody setback of Thirteen Island Lake from 30 metres to 15 metres to recognize an existing sleep cabin.

**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 2018

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

**CONDITIONS:**

1. This minor variance is for the construction of a sleep cabin with an area of 192 feet with a deck along the front, as constructed on the subject property.
2. Minor variance MV-23-18-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. The applicants shall enter into an agreement with the Township recognizing the limited service policies and include the Township's waterfront development policies (naturalizing the shoreline and establishing a vegetative buffer).

**Item #6c: MV-24-18-B Briley**

Speaking to the Application: Randall Briley

Discussion:

An application for minor variance has been submitted to permit the construction of a detached garage at Part Lot 31/32, Concession 6/7, District of Bedford, municipally known as 224 Mica Point Lane.

The property has frontage on Bob's Lake and is accessed by Mica Point Lane, a private lane. The property is undersized compared to current provisions for waterfront lots with an area of approximately 0.41 hectares (1 acre) with 55 metres of road frontage and 75 metres of frontage along Bob's Lake. RVCA note that the subject property does not include the presence of unstable slopes of unevaluated wetlands, though the slope of the lands is quite significant going down towards Mud Bay.

The applicant is proposing to construct a detached garage along the flat plateau closer to the private lane that will have a footprint that exceeds the footprint of the principal use. The applicant is proposing to construct a garage with 185.5 metres square that is setback approximately 55 metres from the waterfront. Section 5.24 of the Zoning Bylaw permits a maximum lot coverage of 5% for accessory structures; however the footprint of all accessory buildings combined shall not exceed the footprint of the principal use. In this case, the proposed garage will have a footprint of 185.5 metres square where the dwelling has a footprint of 111 metres square excluding the decking.

M. Rueckwald outlined that Public Health and RVCA staff had no objections to the proposed variance. However, public comments had been received following the writing of the report and the commenting neighbour asked that the application be denied or deferred due to the fact that heavy equipment on the property as well as the garage being an excessive size to a waterfront community and being that Mud Bay is already contaminated.

D. Hahn stated that he cannot see why this application would not be approved as it is more of a technical issue because if the house was bigger than this would not be an issue.

R. Sutherland inquired about the one tonne maximum in a residential garage.

C. Dodds spoke to the one tonne zoning by-law as this is the maximum allowance for a commercial vehicle to be stored in a residential garage.

R. Sutherland stated that is what our by-law enforcement is for, and the complainant should call the by-law enforcement.

R. Briley stated that it is his property and he has a backhoe that is for residential purposes as he hooks it up to a snow blower in the winter and this is a crucial piece for living on a limited services lane in Canadian winter.

RESOLUTION: C OF A: 18:12:12

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-24-18-B, by Randall & Anne Marie Briley, Concession 6/7, Part Lots 31 & 32, 224 Mica Point Lane, Bob's Lake, to construct a 2000 sq. ft. garage, with a resulting lot coverage of accessory buildings in excess of the lot coverage of the principal building, subject to conditions. Carried

<b>Application No:</b>	MV-24-18-B
<b>Owner:</b>	Randall and Anne Marie Briley
<b>Location of Property:</b>	Part Lot 31/32, Concession 6/7, District of Bedford, Township of South Frontenac, municipally known as 224 Mica Point Lane
<b>Purpose of Application:</b>	To vary Section 5.24.1 of the Comprehensive Zoning Bylaw 2003-75 to permit a detached garage with a footprint exceeding the size of the principal use
<b>Date of Hearing:</b>	December 13, 2018
<b>Date of Decision:</b>	December 13, 2018
<b>Decision:</b>	MINOR VARIANCE APPROVED, subject to conditions

1. Minor variance is for the construction of the detached garage that is setback outside of the required waterbody setback with a maximum floor area of 185.5 square metres with a footprint of 50' by 40'.
2. Minor variance MV-20-18-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. Sediment and erosion controls between the construction area and Bobs Lake are to be installed prior to the initiation of the work, remain in place until the site has been allowed to regenerate and the vegetation has been re-established.
4. All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of Bob's Lake at a proper disposal site.

**Item #6d: MV-26-18-B Koenig**

Speaking to the Application: none

Discussion:

An application for minor variance has been submitted to permit the construction of a dwelling and attached deck at Part Lot 32, Concession 6, District of Bedford, municipally known as 92 Nightingale Lane. The property has frontage along Bobs Lake and is accessed by Nightingale Lane, a private road. The property is undersized when compared to the current provision in the Zoning Bylaw and contains a steep slope down to the waterfront. The proposal is to permit a dwelling with attached deck to be located 21 metres from the highwater mark for the deck and 24 metres for the dwelling.

M. Rueckwald noted that staff would like to defer the application to give Public Health and RVCA more time to comment. She also noted that much of the property is on a steep slope.

D. Hahn wishes to wait to comment until comments from the authorities are received.

R. Sutherland asked if there is an existing dwelling.

M. Rueckwald commented that it is currently a vacant lot.

RESOLUTION: C OF A: 18:12:13

THAT the South Frontenac Township Committee of Adjustment hereby defers minor variance application MV-26-18-B, by John & Lisa Koenig, Concession 6, Part Lot 32, 92 Nightingale Lane, District of Bedford, Bob's Lake.

**Item #6e: MV-27-18-B Amsden**

Speaking to the Application: Brian Amsden

Discussion:

An application for minor variance has been submitted to permit the reconstruction and enlargement of a dwelling at Part Lot 11/12, Concession 3, District of Bedford, municipally known as 38 Warbler Lane. The property has frontage on White Lake and is accessed by Warbler Lane, a private road. The property contains a peninsula that projects into White Lake, where the cottage is currently placed. The remainder of the lot contains a steep embankment that runs along the length of the property on which achieving access is not attainable.

The applicant is proposing to tear down the existing dwelling and construct a new dwelling on the same footprint with the addition of a crawl space and second-storey. The applicant is seeking relief from Section 5.8.2.a and Section 10.3.1 of the Township Zoning Bylaw which both require a 30 metre setback from the highwater mark of White Lake. Section 5.11 of the Zoning Bylaw also prohibits an increase in gross floor area for buildings or structures within the required 30 metre waterbody setback. The proposed reconstruction will maintain the waterbody setback at 14.64 metres to the

closest point; the applicants are proposing to replace the existing decking around the dwelling in the same configuration as currently exists.

M. Rueckwald stated that Public Health and Quinte Conservation did not have any objections to this application.

D. Hahn stated that it looks like a tough spot to put more density into.

B. Amsden commented that their intention is to keep the trees.

D. Hahn stated the trees currently on the property are large mature evergreens that make the cottage virtually invisible from the lake. He would like to see the applicant enter into an agreement to keep the trees.

B. Amsden stated that the cottage currently has four bedrooms and because their kids have grown up and moved away, although it is their intention to build on the existing footprint and create a second floor, they will be going from four bedrooms down to two. The current septic has a 600 gallon capacity and they intend to replace it with an 800 gallon capacity which will bring it up to code.

D. Hahn would like to see an improvement in the vegetation along the riparian zone.

RESOLUTION: C OF A: 18:12:14

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-27-18-B by Brian & Sharon Amsden, Part Lots 11 & 12, Concession 3, 38 Warbler Lane, District of Bedford, to permit replacement of an existing one storey dwelling with a new two storey dwelling on the existing footprint, subject to conditions.

Carried

**Application No:** MV-27-18-PB  
**Owner:** Brian & Sharon Amsden  
**Location of Property:** Part Lot 11/12, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 38 Warbler Lane  
**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw to permit the reconstruction and enlargement of a dwelling within the waterbody setback 14.6 metres from the highwater mark of White Lake. The applicant is seeking relief from Section 5.11 Replacement of Buildings or Structures which does not permit an increase in gross floor area for buildings or structures within the 30 metre

**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 2018

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

**CONDITIONS:**

1. Minor variance is for the reconstruction of the dwelling and enlargement in gross floor area through the construction of a crawl space and second storey addition. The crawl space and second storey addition shall stay within the confines of the footprint of the original cottage and within the height provisions of the Limited Service Waterfront Residential zone.
2. The crawl space shall be constructed as per the definition in the Ontario Building Code, with a maximum height of 5'11".

3. Minor variance MV-27-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. Sediment and erosion controls between the construction area and White Lake are to be installed prior to the initiation of the work, remain in place until the site has been allowed to regenerate and the vegetation has been re-established.
5. All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of White Lake at a proper disposal site.
6. That the applicant enters into an agreement with the Township to maintain the natural, mature trees around the cottage footprint.

**Item #6f: MV-28-18-S Kubes, Sakell**

Speaking to the Application: Paul Kubes

Discussion:

An application for minor variance has been submitted to recognize the construction of an addition to an existing seasonal dwelling located Part Lot 7, Concession 9, District of Storrington, municipally known as 4725 Noble Lane. The property has frontage along Loughborough Lake and is accessed by Noble Lane, a private road. The property is undersized when compared to the current provisions in the Zoning Bylaw and contains a seasonal dwelling and accessory structure.

The applicants have constructed an addition to the side of the dwelling that is 16 feet by 20 feet and setback 12.2 metres from the highwater mark of Loughborough Lake without the required planning approvals or building permits. The applicants are seeking relief from the Zoning Bylaw to recognize the construction of the nursery and closet space to the west side of the dwelling. The applicants have proposed to expand to the west to ensure that they maintain suitable access to the property and space to accommodate parking. The applicants have further advised that the structure is not in a condition that could support a second-storey addition and as such have proposed to expand the single-storey cottage. No further expansion is proposed for the decking along the front of the cottage. Planning staff note that the commenting agencies and staff review the application as though the construction had not already occurred. Should planning approvals be granted, the applicants will be required to obtain a building permit and work with Public Health.

M. Rueckwald stated that Public Health did not have any objections to the application but note the applicant will have to submit an application to construction a new sewage system before obtaining a building permit for the addition as the existing system does not meet the requirement.

M. Rueckwald stated the Cataraqui Region Conservation Authority does not have any objections to the application, they note that the proposal is located at a reasonable location since there is limited opportunity to locate development on the other side of the dwelling due to the proximity of the property line and steep sloping land to the rear of the cottage. Staff note the proposal will result in development exceeding 5% lot coverage, however, staff can support the application since this portion of Loughborough Lake is not sensitive for Lake Trout and no sensitive wetland communities were found along the shoreline according to CRCA mapping.

M. Rueckwald noted that there had been public comments received following the writing of the report noting the original mapping showed the addition on the wrong side of the dwelling. Megan also noted that sometimes the information on Frontenac Maps does not line up exactly with lot lines due to a projection error in certain parts of the Township.

M. Rueckwald noted that the structure has already been modified and with the addition the lot coverage is 7.9%. The applicants are working with Public Health and the building department to obtain a permit and when Megan spoke with the South Frontenac CBO he noted the building permit will not be issued until Public Health is satisfied that the septic is acceptable.

Megan has recommended an agreement be put in place incorporating the CRCA recommendations and Township policies regarding waterfront development.

R. Sleeth noted that he shared some of the concerns with the commenting public but he recognizes that building behind the cottage would be difficult and that as long as there is assurance that the run-off is directed behind the building he is okay with approving the application.

K. Gee commented that it is tricky but with the CRCA recommendations it is feasible and he is agreeable as long as the conditions are compiled into an agreement and CRCA is ok with it.

R. Sutherland inquired with the CRCA is correct and would the dwelling increase not bring the dwelling closer to the highwater mark?

M. Rueckwald noted that the current decking is closer to the water and will continue to be even with the addition.

D. Hahn noted that he would have a hard time approving the application if it wasn't for the fact that it is already in place as it is within the setback guidelines and the footprint exceeds the minimum lot coverage.

M. Rueckwald noted that this development would max out the total development of the lot.

R. Sutherland commented that he is worried about overall coverage and that it would be easier for him to approve the application based on the fact that the applicant enter into an agreement stating that no accessory buildings will be erected on the property.

P. Kubes noted that he understands and this addition was a spur of the moment decision when they found out they were expecting triplets – they were just adding a nursery to the master bedroom ‘three walls and a roof’.

A. Revill stated that it looks like the committee will approve the application they just want to be sure that Mr. Kubes understands the conditions they are imposing, there will be no extra structures and the runoff will be directed to the rear of the structure.

R. Sutherland reiterated the conditions in the agreement shall be with respect to the usual South Frontenac environmental clauses, no accessory buildings and runoff shall be directed to the appropriate area.

RESOLUTION: C OF A: 18:12:15

Moved by: Brad Barbeau

Seconded by: David Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-28-18-S by Paul Kubes, Anastasia Sakell-Kubes, Maureen Sakell, Part Lot 7, Concession 9, 4725 Noble Lane, District of Storrington, to permit construction of a 320 sq. ft. addition to a seasonal dwelling within 30 m setback from water, subject to conditions.

Carried

**Application No:** MV-28-18-S  
**Owner:** Kubes, Sakell and Sakell-Kubes  
**Location of Property:** Part Lot 7, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 4725 Noble Lane

**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 12.2 metres to permit/recognize an addition to an existing seasonal dwelling. The applicants are also seeking relief from Section 10.3 to permit the maximum lot coverage from 5% to 8% for the principal use.

**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 2018

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

**CONDITIONS:**

1. Minor variance is for the construction of the dwelling addition setback minimum of 12.2 metres from the highwater mark of Loughborough Lake. The proposed addition shall be no larger than 16 feet by 20 feet and is to run along the west side of the seasonal dwelling as per the plans submitted.
2. Minor Variance MV-28-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.
3. The applicants shall enter into a site plan agreement with the Township recognizing the limited service policies, incorporating the recommendations from the CRCA listed in their letter dated December 13, 2018, and include the Townships waterfront development policies (naturalizing the shoreline and establishing a vegetated buffer). Edit: include understand no further accessory structures be permitted and that drainage be directed to appropriate drainage area (eg. French drain).

**Item #6g: MV-29-18-L Snider**

Speaking to the Application: none

Discussion:

An application for consent together with a minor variance has been submitted for the creation of one new lot with deficient area and frontage from an existing property at Part Lot 4, Concession 4, District of Loughborough, Township of South Frontenac, municipally known as 2869 Rutledge. The existing lot has frontage along Rutledge Road, Stage Coach Road and Lambert Road and is approximately 86 acres according to MPAC. The subject property is developed with a dwelling and accessory structures that are accessible from Rutledge Road. Agricultural land uses and structures are located on the retained lands that will be accessed from stage Coach Road. The lands are predominately used for field crops and there are no livestock on the property. The applicant is proposing to sever approximately 0.9 acres from the existing 86 acre lot to create one new urban residential lot containing the existing dwelling.

This application was heard concurrently with Consent Application S-95-18-L.

RESOLUTION: C OF A: 18:12:16

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-29-18-L by D'arcy Snider, Part Lot 4, Concession 4, 2869 Rutledge Road, District of Loughborough, to recognize deficient road frontage and area of a lot to be severed through application S-95-18-S and a reduction in the rear yard setback requirement for the retained lands, subject to conditions.



Carried

**Application No:** MV-29-18-L  
**Owner:** D'Arcy Snider  
**Location of Property:** Part Lot 4, Concession 4, District of Loughborough, Township of South Frontenac (2869 Rutledge Road)  
**Purpose of Application:** To vary Section 14.3 (Urban Residential – First Density UR1) requires 76 metres of frontage and 2 acres in area; the proposal is for 0.9 acre lot with approximately 50 metres of frontage along Rutledge Road. To vary Section 14.3 (Urban Residential – First Density UR1) to reduce the rear yard setback from the drive shed on the retained lands as part of application S-95-18-L.

**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 2018

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

#### CONDITIONS:

1. Minor variance is to recognize the reduced road frontage along Rutledge Road from 76 metres to approximately 50 metres and area from 2 acres to 0.9 acres for the severed lot from consent application S-95-18-L. Minor variance is also for the reduction of the rear yard setback of the retained lot from consent application S-95-18-L to recognize the location of the drive shed on the retained lot from 3 metres to 2.5 metres.
2. Minor variance MV-30-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

#### Item #6h: MV-30-18-B Molnar

Speaking to the Application: Frank Molnar

Discussion:

An application for minor variance has been submitted to permit expanding an existing dwelling and decking to a property located at Part Lot 12, Concession 3, District of Bedford, municipally known as 59 West Shore Lane (see attached map). The property has frontage along White Lake and is accessed by West Shore Lane, a private road. The property is undersized when compared to the current provisions in the Zoning Bylaw and contains a dwelling and accessory structures.

The applicant is proposing to construct an addition to the north side of the existing dwelling and expand the decking around the front and sides of the dwelling. The applicants are seeking relief from the Zoning Bylaw to be able to make the interior and exterior of the dwelling more accessible, including a new accessible entrance and deck extension to facilitate access around the dwelling. The applicants are also proposing to construct new footings for the dwelling and will be removing the decking to accommodate this; should space suffice the applicants are proposing to add a crawl space beneath the dwelling. In email correspondence dated December 12, 2018 the applicants confirmed that there is already a partial crawl space under the structure, and they would like to increase the depth of the crawl space but will not be raising the cottage above its current elevation. The proposed addition will extend 10 feet to the north side of the dwelling (side of the house) and run the width of the structure being 26 feet, for a total area of 260 square feet. The applicants are proposing to expand the width of the decking from 8 feet to 10 feet along the entire length of the dwelling with 4 foot wide walkways wrapping around the side of the dwelling. The septic system is located beyond the 30 metre setback and is located between the dwelling and the private road.

M. Rueckwald noted that Public Health and Quinte Conservation have no issues with the application and no public comments have been received.

D. Hahn commented that it is a large coverage of a small lot and there is a lot of hardened ground with few trees and vegetation. He understands why the applicant wants to do what he is proposing and there is not a large impact compared to what the current situation of the lot is. He could support this if there is a clear condition to support re-vegetation.

J Sherbino noted that if vegetation near the shoreline is not feasible then even vegetation closer to the dwelling to slow the runoff to the lake would be supportable. He noted that the Conservation Authorities have a very large information database for vegetation that will change or slow runoff to the lake.

A. Revill requests that the applicant work with the Conservation Authority to deal with the runoff.

R. Sutherland does not think this application is supportable as there is too much lot coverage when he views the property on Frontenac Maps.

F. Molnar responded that one of the buildings showing on the mapping has been demolished and the size of the carport has been significantly reduced.

R. Sutherland asks for a clause in an agreement that states there shall be no more accessory buildings.

A. Revill notes that there shall be no more accessory buildings and that the applicant shall work with the Conservation Authority to revegetate the lot

RESOLUTION: C OF A: 18:12:16

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-30-18-L by Dorothy Molnar, Concession 3, Part Lot 12, 59 West Shore Lane, District of Bedford, to reduce the waterbody setback from 30 metres to 19.2 metres at the closest point to permit an increase in size of deck, and from 30 metres to 22 metres to permit increase in size of residence, and to increase the lot coverage of the principal building to 9.3%, subject to conditions.

Carried

**Application No:** MV-30-18-PB  
**Owner:** Dorothy Molnar (Frank Molnar, agent)  
**Location of Property:** Part Lot 12, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 59 West Shore Lane  
**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 22 metres to permit an addition to an existing dwelling and 19.2 metres to increase the size of a deck within the setback of White Lake. The applicants are also seeking relief to Section 10.3 to permit the maximum lot coverage from 5% to 9.3%.

**Date of Hearing:** December 13, 2018

**Date of Decision:** December 13, 2018

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

## CONDITIONS:

1. Minor variance is for the construction of the dwelling addition setback a minimum of 22 metres from the highwater mark of White Lake and 19.2 metres for the reconstruction and enlargement of the deck. The proposed addition shall be no larger than 10 feet by 26 feet and is to run along the north side of the dwelling as per the plans submitted. The decking shall extend no further than 10 feet along the front of the dwelling and 4 feet along the side as per the sketch submitted. The crawl space shall be for average height no greater than 5'11".
2. Minor variance MV-30-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. The applicants shall enter into an agreement with the Township recognizing the limited services policies including the Township's waterfront development policies (naturalizing the shoreline and establishing a vegetated buffer) working with the Quinte conservation to develop a replanting action and that drainage be directed to an approved drainage area (eg. French Drain).

### Item #7: Other Business

#### Item #7a: Webster Consent Application S-57-18-S and minor variance application MV-25-18-S

C. Dodds spoke to this item as it relates to a previously approved consent application and a recently submitted minor variance application. C. Dodds identified that the report that supported consent application S-57-18-S had noted that a zoning by-law was required but had not been included in the list of conditions.

After meeting with Mrs. Webster and her real estate agent in late October, C. Dodds determined that a minor variance application would be an appropriate way to recognize the reduced frontage of the severed and retained parcels.

It is noted at that at the time of decision by the Committee of Adjustment, no comments had been received from Cataraqui Region Conservation Authority (CRCA) on the proposed consent application. When current planning staff contacted CRCA to obtain comments on the consent application it was determined that CRCA did not have a record of receiving the consent application. As such no comments were ever prepared by the CRCA. Mrs. Webster provided evidence that she submitted a cheque to cover the costs to circulate the application to the CRCA for comment.

CRCA staff was agreeable to not charging a further review fee for their review of the minor variance application. Planning staff (Claire Dodds & Megan Rueckwald) met on-site with CRCA staff (Andrew Schmidt) on November 27<sup>th</sup>, 2018 to review the minor variance application. On a comprehensive walk of site, CRCA staff indicated that the proposed building lot is substantially comprised of an unevaluated wetland located on the severed parcel and neighbouring property to the east. Due to the presence and location of the wetland, CRCA staff would be unable to support issuing a permit for safe access and were of the opinion that there was no building envelope on the property that could meet the Township setbacks from the high water mark, wetland and streams crossing through the severed parcel.

Claire noted that the applicant would be entitled to a review with an environmental consultant to see if there was a building envelope but Ms. Webster said she did not wish to put any more time and effort into this and would withdrawal her application if fees were returned and survey preparation costs were reimbursed.

As there is some question around how the Township handled the consent application and that the applicant had followed all the requirements asked of her by planning staff including identifying for staff

during a pre-consultation meeting that the portion of the property near Battersea Road was low and wet. The applicant has requested the Township refund the application fees for both the consent application, the minor variance application and survey.

As the decision to provide provisional consent was granted by Committee of Adjustment, staff are bringing the request to refund the fees to the Committee.

C. Dodds recommended to the committee reimbursing the applicants fees in the amount of \$7,200.00.

R. Sleeth recommends a refund of the fees as well and is thankful no well was drilled.

D. Hahn inquired if it was within the committee's authority to refund the fees and the survey costs.

C. Dodds noted that the *Planning Act* states that the Committee can waive fees for Minor Variance and Consent applications and the Township CAO and Treasurer are agreeable to the Committee authorizing the refund of survey fees. C. Dodds notes this is an exceptional circumstance and hopes that there will be relatively few times the Committee will be asked to consider this type of refund of fees.

C. Dodds said that the committee could provide a recommendation to Council rather than make a decision if they were more comfortable handling it in this way.

R. Sutherland noted it should pass and agrees that the CRCA should always be on the ground when commenting on consent and minor variance applications.

R. Sleeth noted that he would like to see it moved and that he is thankful it is not costing the Township more than what is proposed.

R. Vandewal inquired if upon receiving the fees and survey costs back if the applicant would be releasing the Township from any further costs associated.

C. Dodds said that would be a stipulation of refunding the applicant her fees and survey costs.

RESOLUTION: C OF A: 18:12:18

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Committee of Adjustment direct the Director of Development Services to refund the application fees for Consent Application S-57-18-S and Minor Variance Application MV-25-18-S, and the associated survey costs for an amount totaling \$7,200 to the applicant, Victoria Webster.

#### **Item #7b: Appointment of Secretary-Treasurer**

RESOLUTION: C OF A: 18-12-19

Moved by: Brad Barbeau

Seconded by: David Hahn

THAT the South Frontenac Township Committee of Adjustment hereby appoints Michelle Hannah, Planning Assistant, as the Secretary-Treasurer to the Committee of Adjustment and Claire Dodds, the Director of Development Services, as the Assistant Secretary-Treasurer to the Committee of Adjustment.

C. Dodds thanks M Rueckwald, manager of Planning at Frontenac County for her time and commitment to assisting in delivering Planning Services with the Township of South Frontenac,

including her dedication to the Committee of Adjustment to keep files moving during the staffing transitions in the Township over the past several months.

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**Item #8: Adjournment**

RESOLUTION: C of A: 18:12:20

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the December 13, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned to reconvene at 7:00 p.m. on Thursday, February 14, 2019 or at the call of the Chair.

Carried

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Alan Revill  
Chair

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Claire Dodds  
Secretary-Treasurer