

Committee of Adjustment Agenda

1:00 PM - Monday, June 24, 2024

Council Chambers

[Zoom Meeting Registration](#)

1. Call to Order

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Approval of Agenda

- a) June 24, 2024

Be It Resolved That the Committee approves the Agenda for June 24, 2024, as circulated.

4. Disclosure of Pecuniary Interest and General Nature Thereof

5. Delegations

None.

6. Adoption of Minutes

- a) Minutes of Meeting held May 27, 2024 3 - 9

Be It Resolved That the Committee adopts the Minutes of a Meeting held on May 27, 2024 as circulated.

[May 27, 2024](#)

7. Business Arising Out of Minutes

None.

8. Zoning By-law Amendment Application (Recommendation to Council)

None.

9. Consent Application with Minor Variance

- a) File #B08/24 - Creation of One New Lot and File #A04/24 - Request for Reduced Water Frontage - Part of Lot 15, Concession 1, Geographic Township of Barrie (Big Gull Lake) 10 - 30

[File #B08 24 #A04 24](#)

10. Minor Variance Applications

- a) File #A03/24 - Request for Permission to Expand Legal Non-Complying Structure - Plan 1944, Lots 26 and 33, Geographic Township of South 31 - 50

Canonto (4103 Palmerston Lake)

[File #A03 24](#)

- b) File #A05/24 - Application for Minor Variance: Reduced Setback from High Water Mark - Plan 699, Lot 8, Concession 11, Geographic Township of Barrie (1149 Rekrview Lane) 51 - 69

[File #A05 24](#)

- c) File #A06/24 - Application for Minor Variance: Reduced Setback from High Water Mark - Part of Lot 19, Concession 10, Geographic Township of Clarendon (1112 Elizabella Lane) 70 - 90

[File #A06 24](#)

11. Other Business

None.

12. Adjournment

- a) Adjournment of the Committee Meeting

Be It Resolved That the meeting adjourns at _____ p.m. until July 22, 2024 at 1:00 p.m. or at the call of the Chair.



Committee of Adjustment Minutes

1:00 PM - Monday, May 27, 2024

Council Chambers

Present: Carl Tooley, Garry Wood, Jim Ogilvie, and Brent Smith
Also Present: Tara Mieske, Secretary/Treasurer; Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager; Sonya Bolton, Manager of Community Planning, County of Frontenac (Electronic Participation); and Councillor Roy Huetl, Council Liaison

1. Call to Order

The Chair called the meeting to order at 1:00 p.m.

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Approval of Agenda

a) *May 27, 2024*

8-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee approves the Agenda dated May 27, 2024, as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

Carl Tooley declared a pecuniary interest in Item 9(b) and 10(a).

5. Delegations

None.

6. Adoption of Minutes

a) *Minutes of Meeting*

9-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee adopts the following Minutes as circulated:

1. A Meeting held February 26, 2024; and
2. A Meeting held March 25, 2024.

Carried

7. Business Arising Out of Minutes

None.

8. Zoning By-law Amendment Application (Recommendation to Council)

None.

9. Minor Variance Applications

- a) ***File #A02/24 - Part of Lots 4 and 5, Concession 11, Part 6 on Registered Plan 13R-12020, Geographic Township of Miller (2035 Grindstone Lake Road) - Request for Permission to Expand Legal Non-Complying Structure***

Peter Hagerman and Jody Hagerman were present for the hearing.

Jennie Kapusta, County Planner, provided an overview of the application which includes the demolition, relocation and reconstruction of existing structures. She noted there are structures located on the Township owned Shore Road Allowance; and that the applicants have submitted an application to purchase the Road Allowance. She advised a building permit can't be issued if any portion of the proposed dwelling is located within the Road Allowance. A condition has been included within the Notice of Decision to address this.

Kapusta advised the current septic system is suitable for the proposed development. She noted if there are any changes to the proposed development, a septic assessment may be required. She advised there is a slope on the property; however Mississippi Valley Conservation Authority screened the application out of it's formal review process.

Kapsuta recommended approval of the application subject to the conditions included in the planning report.

Tooley advised he attended the site on May 4, 2024 and the required marking cards were posted. He recommended including a condition to have the septic system pumped out, inspected and replaced (if required). He advised he is supportive of the application as the existing cottage is close to the water and the proposed dwelling is as far back as possible.

Drechsler advised there were no comments from the public.

10-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A02/24 – Application for Minor Variance – Peter Hagerman, 2053 Grindstone Lake Road - shall be approved subject to the conditions noted in the planning report;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed by June 7, 2024;

And That a condition be added that the septic system be pumped and inspected; and replaced, if necessary.

Carried

- b) ***File #A01/24 - Part of Lot 34, Concession 14, Geographic Township of Clarendon (1628C Beach Road) - Request to Expand Legal Non-Complying Structure***

Report found under Item 10.a.

10. Appointment of Chair

- a) ***Appointment of Chair for Items 9 b) and 10 a).***

11-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee appoints Garry Wood to Chair in the absence of Carl Tooley.

Carried

11. Consent Applications

- a) ***File #B02/24, #B03/24 & #B04/24 (Creation of New Lots); #B05/24 (Creation of ROW and Boat Launch) - Part of Lot 1, Concession 13, Geographic Township of Barrie (Shawenogog Lake)***

Note: Carl Tooley declared a pecuniary interest and left the meeting at this time.

Lewis Gaylord, Applicant, was present for the hearing.

Planner Comments

Jennie Kapusta, County Planner, provided an overview of the consent applications which consist of:

- Creation of three water access lots
- Right of Way for deeded parking area and boat launch on main land property

Kapusta advised the proposed lots were between 2 and 4 hectares, with steep slopes and wetland areas identified on the proposed severed lots and the retained lot. She noted the water access lots require deeded parking access and boat launching access to ensure the new lots will have access on Sand Lake in perpetuity. Kapusta noted a septic review of the proposed lots was performed by Matt Doyle from South Frontenac (approval authority at the time the applications were received) and no concerns or

objections were identified.

Kapusta advised the main land property is a peninsula with a steep slope. She noted there is a cleared area at the top of the peninsula, with a large rock in the centre. She advised the parking area will consist of 4 parking areas, with 2 spots each; and that the parking area and boat launch will be surveyed and identified. The parking area and boat launch will be registered to the new lots if approved.

Kapusta provided an overview of the Minor Variance application for the expansion of the legal non-complying structure currently used for storage on the main land property. She advised the applicant is proposing to add porches to the east and west sides of the structure; and rebuild the porch on the water side of the structure under the existing overhang. Kapusta noted there is no septic system on site and, as there is no indication of an increase in living space, servicing is not required.

Kapusta advised a septic review was not required for the creation of the Right-of-Way and was not completed for the expansion of the mainland structure, as there were no changes in the servicing. Kapusta advised Mississippi Valley Conservation Authority (MVCA) expressed concerns regarding potential building envelopes including the placement of septic systems on the proposed lots due to the steep slopes and potential erosion hazards.

Kapusta noted public comments were received regarding the following issues:

- Overburdening of the private portion of Beach Road
- Impact increased travel will have on the condition of the existing road
- If the proposed development meets the minimum requirements for emergency services vehicle access
- Steepness of the slope on the driveway accessing the parking area
- Erosion concerns into the wetland area
- Potential water navigation concerns
- Archaeological potential due to historic Indigenous travel routes
- Reduction in useable lot area on the mainland parcel

Kapusta recommended deferral of the applications until technical and public comments are addressed.

Public Comments

Jeff O'Reilly expressed concerns the proposed boat launch will become a public boat launch, as there is no boat launch on Sand Lake or Shawenogog Lake. Mr. Gaylord advised signs can be posted to indicate the boat launch is for private use only. He advised there is a public boat launch down the road. Mr. O'Reilly asked if the road could be gated and locked to prevent public access. Mr. Gaylord advised the proposed lots are for family members; and there is no intent to increase the use of the road or number of boats accessing the lakes.

Evangelos Rigakis, resident, advised he is concerned about the navigation route to Shawenogog Lake. He noted water levels change throughout the year and there is a marshy area adjacent to the mainland property where the boat launch is proposed. Mr. Rigakis advised he is also concerned about the size and number of docks; the large slope on the Shawengog site; and the placement of septic systems. Kapusta advised the Zoning By-law only permits one dock per property and establishes the maximum size permitted. She noted docks cannot be a navigation hazard.

Jason Tooley, resident, advised there is a large, unmarked rock outcrop in front to the existing dock, which creates a hazard when navigating from Shawenogog Lake to Sand Lake. He noted if a dock comes out from the boat launch, it will cause people to navigate towards the rock. Mr. Gaylord advised he is aware of the rock; however the dock on the mainland parcel does not create a navigation hazard. He noted there is no intention to increase the size of the dock.

Mieske read aloud two public comments received after the agenda had been posted.

Malcolm Leith, resident, expressed concerns regarding the number of properties using the docking facilities; the elevation of the proposed lots on the Shawenogog Lake side; and the potential impacts of the septic systems on the lakes.

Applicant Comments

Mr. Gaylord advised the proposed lots are large, with many buildable areas away from the steep slopes. He noted there is approximately 1400 feet of water frontage. Kapusta advised, based on the septic review from South Frontenac and comments from a previous site visit, it was her opinion the slopes were not an issue. She advised MVCA is asking for a slope stability assessment or topographical survey to determine suitable building areas. She noted if an alternative proposal is being considered, it must be presented to MVCA for consideration. Mr. Gaylord noted the cost of an assessment is expensive. He advised County Planning staff attended the site and the septic review from South Frontenac stated there were no concerns. Kapusta advised the Committee is the approval authority and can include the assessment as a condition of approval. Mr. Gaylord asked if another site visit was a possibility prior to the slope stability assessment being completed. Kapusta advised she would speak with MVCA to see if they would consider an additional site visit.

Committee Comments

Garry Wood attended the site on May 8, 2024. He advised he saw no issues with the proposed new lots, as all the lots were large with suitable frontage. He noted he cannot comment on the erosion hazard or soil stability with respect to the steep slopes.

Wood advised the property with the existing dwelling has a legal Right-of-Way (ROW) off Beach Road, with the proposed lots having access to the ROW to get to the parking area. Wood noted he has concerns with the grade of the driveway to the parking area as it may

be a safety issue. He noted a survey may be required to determine the grade of the driveway.

Wood noted the turn around area is located near the boat launch area and expressed concern that the area is too small to make the turn. Wood advised the existing structure appears to be close to the proposed ROW.

Wood advised the four proposed lots (three severed plus one retained) will have access to the dock and boat launch. He noted this could increase the amount of traffic at the dock and could potentially create a safety hazard.

Mr. Gaylord advised he would consider paving the driveway or using alternative materials on the driveway to reduce safety concerns. He noted the parking area is already laid out; and there hasn't been any issues with launching boats from the existing boat launch and dock in the past.

Jim Ogilvie noted there appears to be approximately 180 feet of open water from the mainland to the proposed lots. He asked if there was a possibility of multiple slips at the docking area. Kapusta advised the Zoning By-law provides that a dock can be a maximum of 25 square metres, with a length of 10 metres and a width of 4 metres. She noted the dock can be any configuration provided it does not create a navigation hazard.

Ogilvie asked if the existing structure on the mainland parcel will be used as a cottage with the increase in space. Mr. Gaylord advised they may install hydro and a holding tank in the future.

Brent Smith asked if there was a timeline for development on the proposed lots. Mr. Gaylord advised there are no immediate plans for development.

Wood advised he would like to include a condition requiring a survey of the mainland property, showing the topography. Mieske advised the Public Works Manager and Fire Chief could attend the property; and provide a report regarding the grade of the driveway, the size of the turn around area and emergency vehicle access.

12-24 Moved by Jim Ogilvie, Seconded by Brent Smith

Be It Resolved That Severance Application File #B02/24, #B03/24 and #B04/24 (Creation of three new lots); Severance File #B05/24 (Creation of Right-of-Way and Boat Launch); Planning Application File #A01/24 (Request for Permission to Expand Legal Non-Complying Structure) shall be deferred until all outstanding technical concerns have been addressed. including:

- survey
- turning radius confirmation by Public Works and Fire Chief
- Conservation site visit or satisfactory option for steep slopes on new lots.

Carried

Note: Carl Tooley, rejoined the meeting at this time and assumed the position of

Chair.

12. Other Business

None.

13. Adjournment

a) *Adjournment of the Committee Meeting*

13-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the meeting adjourns at 2:52 p.m. until June 24, 2024 at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Clerk



6648 Road 506 Plevna, Ontario K0H 2M0

Notice of Public Hearing

Application for Minor Variance - File #A04/24

Clause 45(1) of the Planning Act
Section 3, O.Reg. 200/96

Application for Consent File #B08/24

Clause 53(5) of the Planning Act
Section 3, O.Reg. 197/96

Subject Land: Part of Lot 15, Concession 1, Geographic Township of
Barrie (Big Gull Lake)

Applicant(s): Ben Thompson and Greg Thompson

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **June 24, 2024 at 1:00 p.m.** to discuss and hear comments regarding the above-noted applications under the authority of Section 45 and Section 53 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; or through Electronic Participation.

Application for Consent

Explanation of Purpose and Effect: The Applicants are proposing to create One (1) New Lot with an area of approximately 1.52 hectares and a proposed water frontage on Big Gull Lake of 61 metres

The retained lot will have an approximate area of 3.31 hectares with a proposed water frontage of approximately 167 metres.

Application for Minor Variance

Explanation of Purpose and Effect: The Applicants have also submitted a Minor Variance application (File #A04/24) as the frontage of the proposed lot does not meet the required 77 metres of waterfrontage as per Section 4.4.3 of the Zoning By-law.

Submissions: Written comments on the applications shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk/Planning Manager at clerkplanning@northfrontenac.ca

Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

Public Hearing: You are entitled to attend this public hearing in person; or through the use of electronic participation to provide comments regarding the proposed development to the Committee. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at deputyclerk@northfrontenac.ca; or call (613) 479-2231 or 1-800-234-3953 ext. 231.

Notice of Decision: If you wish to be notified of the decision of the Committee in respect of the proposed new lot with reduced waterfrontage, you must make a written request to the undersigned.

Appeal: If a "specified person" or "public body" (as defined in the Planning Act) that files an appeal of a decision of the Committee of Adjustment in respect to the proposed consent or minor variance does not make written submissions to the Committee before it gives or refuses a provisional consent or approves the minor variance; the Ontario Land Tribunal (OLT) may dismiss the appeal.

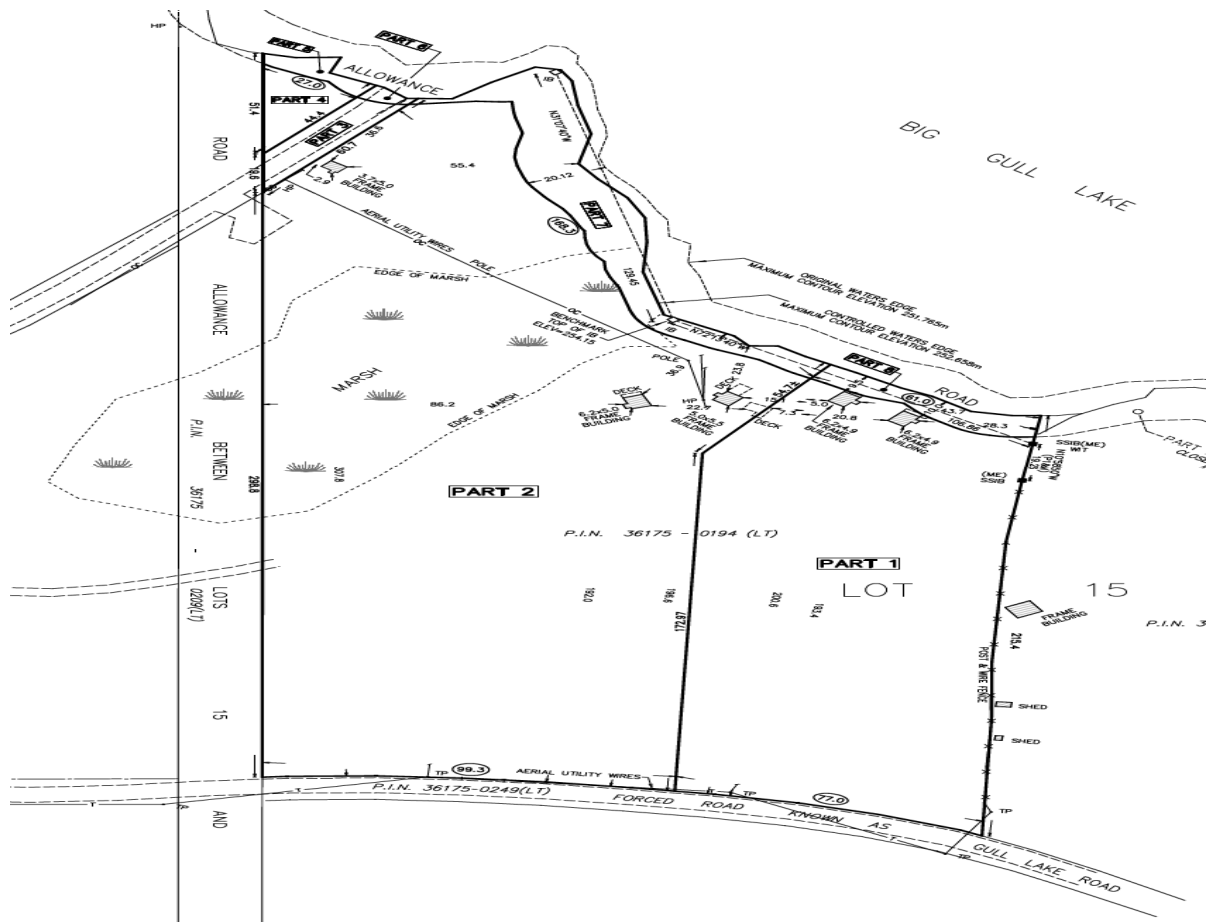
Additional Information: Additional information regarding the application is available for by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

Notice of Collection: Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

Dated at Plevna, Ontario this 21st day of May 2024.

Tara Mieske, Secretary-Treasurer
Township of North Frontenac

Email: clerkplanning@northfrontenac.ca





Planning Report

To: Members of Committee of Adjustment

Prepared By: Jennie Kapusta, Community Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager, Community Planning, County of Frontenac

Re: Applications for Consent to Sever for the Creation of One New Rural Lot and Minor Variance for a Reduction in Lot Frontage

Address: Gull Lake Road and Thompson Road (vacant)

Legal Description: Part Lot 15, Concession 1, Geographic Township of Barrie

File Numbers: B08/24 and A04/24 (Thompson)

Owner: Ben Thompson and Greg Thompson

Applicant: Same as Owner

Date Prepared: June 19, 2024

Date of Meeting: June 24, 2024

Recommendation:

Planning staff are recommending that the Committee of Adjustment for the Township of North Frontenac receive comments from the public and, subject to any concerns being raised at the public meeting, approve these applications for consent and minor variance, subject to the conditions outlined in Appendix A of this report.

Proposal:

Applications for consent to sever for the creation of one new rural lot and minor variance to recognize reduced water frontage for the new lot.

Severed Parcel (B08/24)

The proposed severed parcel will be regularly shaped, approximately 1.52 hectares (3.76 acres) in area and will have a minimum of 61 metres (200 feet) of frontage along

the shoreline of Big Gull Lake and a minimum of 77 metres (252.6 feet) along Gull Lake Road. The proposed lot contains two existing frame structures that were at one time used as residential cottages. These structures, however, have fallen into a state of disrepair and the applicant has indicated that both structures are to be removed from the property to permit future residential development.

Planning staff are recommending the inclusion of a condition of provisional consent that all existing structures on the subject property are to be demolished and removed prior to the finalization of the creation of the lot proposed through this consent application.

Retained Parcel (B08/24)

The proposed retained lot will be regular in shape, approximately 3.31 hectares (8.2 acres) in area with approximately 167.3 metres (548.9 feet) of frontage along the shoreline of Big Gull Lake and approximately 100.1 metres (328.4 feet) of frontage along Gull Lake Road. The retained parcel contains three existing frame structures that were at one time used as residential dwellings. These structures, however, similar to those on the proposed severed lot have fallen into a state of disrepair and the applicant indicated that these structures are to be removed to facilitate future residential development.

Minor Variance (A04/24)

An application for minor variance has been submitted to recognize the deficiency in water frontage for the proposed severed lot in consent application B08/24.

Variance 1: Section 4.4.3 of the zoning by-law requires a minimum lot frontage (water frontage) of 77 metres (252.6 feet). The applicant is proposing a minimum lot frontage of 61 metres (200 feet), a variance request of 16 metres (52.5 feet).

Background Information

Information Category	Response
Official Plan designation	Waterfront Area and Rural Area
Zoning	Residential Waterfront (RW) and Rural (R)
Current size (area) of subject property	4.83 hectares (11.96 acres)
Existing road frontage and access	177.1 metres (801.5 feet) along Gull Lake Road and approximately 59.3 metres (194.5 feet) along Thompson Road
Waterfrontage	228.3 metres (748.9) feet along Big Gull Lake

Information Category	Response
Natural heritage features	Big Gull Lake and an MVCA regulated wetland on the retained parcel
Existing development	Five dilapidated frame structures (dwellings) that are to be removed
Surrounding land uses	Similarly sized developed waterfront residential lots along the shoreline of Big Gull Lake. Larger rural parcels inland, developed with rural and agricultural uses as well as naturally vegetated parcels.

Pre-application Consultation:

The applicant consulted with Township and planning staff prior to submitting these applications.

Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 14 days in advance of the meeting.

Comments

Mississippi Valley Conservation Authority (MVCA)

These applications were circulated to MVCA for review. Comments dated June 12, 2024 indicate no objection to either the proposed consent application or the concurrent minor variance application for reduced water frontage.

MVCA staff noted that sufficient area appears to exist on both parcels to accommodate a building envelope beyond the minimum required 30 metre waterbody/wetland setback. To mitigate potential effects of erosion and surface runoff MVCA recommend:

- A minimum 15 metre vegetated buffer be maintained along the border of the MVCA regulated wetland, and along the shoreline of Big Gull Lake.
- Natural drainage patterns on the site should not be substantially altered, such that additional runoff is directed into the MVCA regulated wetland or into the lake.

Septic Approval Authority

Submitted with the applications were reviews of septic suitability for both the proposed severed and retained parcels. These evaluations dated April 23, 2024 were completed by Ron Nowel (BCIN 10999). The evaluations indicated that both parcels were suitable for the installation of a sewage disposal system and that the sites were flexible regarding the location of the septic systems.

Public Comments

There was an email received from a neighbour regarding these applications. This email did not express any concerns with the creation of the new lot or the reduction in water frontage. Rather the questions were with regards to a concurrent but separate situation occurring on the retained parcel.

Thompson Road is a Township maintained road that leads down to a Township maintained public access boat launch and parking area for access to Big Gull Lake. However, a section of the travelled portion of Thompson Road and the parking area and boat ramp are actually located on the property subject to this application (see Figure 1), this situation is known as a forced road. The property owner is in the process of working with Township staff, Township Council and the Township solicitor to facilitate a "land swap". The Township will obtain ownership of the lands that include the road, boat ramp and parking area, in exchange for a portion of an unopened Township road allowance that abuts the subject property. This land swap will have the effect of creating a new developable lot on the north side of Thompson Road because the two parts of the subject property will be divided by lands that are in separate ownership.

Planning staff would like to note that this land swap is entirely a decision of Township Council and not a matter that can be addressed or changed by the Committee of Adjustment. Further, the land swap does not impact the ability of the property to be severed as requested as the retained parcel exceeds the minimum lot area and frontage requirements with or without these lands being part of the subject property.

At the Council meeting on June 6, 2024, Council passed the following resolution:

Resolution #203-24 Moved by Roy Huetl Seconded by Fred Fowler

Be It Resolved That Council receives for information the Public Works Managers and Clerk / Planning Managers Administrative Report entitled "Thompson Road Property Exchange".

And That Council approves the exchange of the Lot Road Allowance and Shore Road Allowance northwest of the Thompson Road in exchange for the Thompson Road through Roll #010-020-20200 subject to the road being surveyed to a width of 20 metres (66 feet) across the entire length of the property to access the boat launch area and for the parking area being approximately 9 metres (30 feet) wide beyond the new Road Allowance on the east side and 36 metres (120 feet) long;

And That Council approves the exchange of the Lot Road Allowance between Thompson Road and Gull Lake Road and the Shore Road Allowance east of Thompson Road along the entire frontage of the Thompson property for the Thompson Road through Roll #010-020-23200 surveyed 20 metres (66 feet) from the western edge of the road easterly;

And That the Chief Administrative Officer is authorized to sign the Land Exchange Agreement;

And That Council instructs the Clerk to complete the public notice for the closure and sale of the Road Allowance in accordance with the Sale of Land Policy.

Carried



Figure 1: Map showing the proposed severed (yellow hatching) and retained (red outline) parcels, along with the area of the property subject to the land swap (dashed purple outline).

Conformity and Consistency with Policy Planning Documents

Applications for consent are required to be consistent with the Provincial Policy Statement, 2020 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that, subject to the approval of the concurrently submitted minor variance application (number A04/24), the proposed consent is consistent with and conforms to the planning policies of all these documents.

The key policies of each document that are applicable to the subject application are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

Township of North Frontenac Zoning By-Law Number 55-19

The subject property is zoned as Rural (R) and Residential Waterfront (RW) in the Township of North Frontenac Zoning By-Law Number 55-19. The Rural Zone permits a wide variety of uses, including residential, agricultural, limited commercial, and limited institutional. The RW zone permits single detached dwellings and a variety of low-impact accessory uses.

The minimum lot area for new residential uses in the Rural and RW zones is 0.8 hectares (2 acres) with a minimum road frontage of 46 metres (150.9 feet), the RW zone also requires a minimum water frontage of 77 metres (252.6 feet). The proposed severed parcel exceeds the minimum lot size requirements of the Zoning By-Law for residential uses in the Rural and RW zones and complies with the minimum required 46 metres of road frontage. A concurrent minor variance application (A04/24) has been submitted to recognize the deficiency in water frontage for the severed parcel. The retained parcel exceeds the minimum lot size and frontages for residential uses in the Rural and RW zones.

This proposal meets all other requirements of the zoning by-law and subject to approval of the concurrently submitted minor variance application (A04/24), staff are satisfied that the request meets the intent of the zoning by-law.

Planning Analysis and Considerations

These applications were reviewed against the policies of the Provincial Policy Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application can be found in Appendix B of this report.

Rural and Waterfront Character

The proposed severed and retained parcels will have frontage on Gull Lake Road, a fully maintained Township road in addition to frontage on Big Gull Lake. The proposed

lot meets the zoning by-law requirements for lot area and road frontage for residential development in the Rural and RW zones but not the water frontage requirements. The retained parcel exceeds the zoning requirements for residential uses in the Rural and RW zones.

The reduction in water frontage for the new lot is proposed due to the presence of the regulated wetland that encompasses much of the shoreline of the retained parcel. Reducing the water frontage of the proposed lot to 61 metres from 77 metres will allow both the severed and retained parcels to utilize the existing shoreline activity areas and access to Big Gull Lake without the need to encroach into or negatively impact the wetland. The reduction in water frontage will not impact the ability of the proposed lot to be developed or the ability of the lot to gain safe access from Price Road.

The anticipated residential development of this proposed lot is in keeping with the existing rural character of the area and will leverage the existing rural servicing, with no expansion required.

Planning staff are of the opinion that this consent application has the potential to allow for development that is locally appropriate, builds upon rural character, and leverages existing rural services and amenities.

Sewage Disposal System Services

As noted in the Comments section above, provided with this application was a review of septic suitability from a certified septic installer confirming that both the proposed lot and the retained parcel are suitable for the installation of septic systems.

Natural Heritage and Natural Hazards

The subject property is located along Big Gull Lake. As noted in the Comments section above there is an MVCA regulated wetland within the retained parcel along the shoreline of the lake and no natural hazard concerns were identified on the proposed lot.

There were no human made hazards identified on or in proximity to the proposed severed parcels. Impacts to significant natural heritage features are not anticipated as a result of the subject application.

Minimum Distance Separation (MDS)

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property. Therefore, no further studies are required prior to the approval of this application.

Road Widening

Section 5.3.3 of the Official Plan states that the minimum width for a year-round or seasonally maintained township road is 20 metres (66 feet). According to information

available to County Planning staff it appears that the Property Identification Number (PIN) that describes Gull Lake Road along the frontage of the proposed severed parcel complies with the minimum 20 metre width. As a result, planning staff are not recommending a road widening condition as a part of the approval for this proposed new lot.

Minor Variance

Under Section 45(1) of the Planning Act a minor variance application must meet all of the four tests of minor variance. The four tests are:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent and purpose of the Zoning By-law?
4. Does the application conform to the general intent and purpose of the Official Plan?

Planning staff are of the opinion that the proposed minor variance to recognize the deficiency in water frontage for the lot to be created through consent application B08/24 meets the four tests of minor variance for the following reasons:

Is the application minor?

The application is minor because the reduction in water frontage will not impact the ability of either the proposed lot or the retained parcel to be developed in accordance with the provisions of the Township zoning by-law.

Is the application desirable for the appropriate development of the lands in question?

The reduction in water frontage is appropriate for the development of the lands in question because it will facilitate the creation of a new lot that is in keeping with the existing waterfront character of the area. A significant portion of the water frontage for the retained lot is an MVCA regulated wetland. The reduction in water frontage will permit the retained parcel to use the existing cleared activity area and access Big Gull Lake without the need to encroach into or impact the wetland.

Does the application conform to the general intent and purpose of the Zoning By-law?

Aside from the reduced water frontage, the proposed lot and the retained parcel meet all other provisions of the Zoning By-law including a buildable area that meets the required setbacks from both lot lines and identified natural features (Big Gull Lake and the MVCA regulated wetland). Planning staff are of the opinion that the reduction in water frontage conforms to the intent and purpose of the Zoning By-law.

Does the application conform to the general intent and purpose of the Official Plan?

Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas.

Planning staff are of the opinion that the reduced water frontage for the proposed lot will not impact the waterfront and rural character of the region, nor will it impact the ability of the lot to be serviced.

Conclusion

Planning staff are of the opinion that a plan of subdivision is not required for the orderly development of the municipality in this instance and that the proposed minor variance meets the four tests noted above. The proposed consent and minor variance are consistent with and conform to the required policies and provisions of the province, the County of Frontenac and the Township of North Frontenac.

Subject to any comments that may be received at the public meeting, it is recommended that the Committee of Adjustment approve consent application number B08/24 and minor variance application number A04/24, subject to the conditions outlined in Appendix A of this report.

Attachments

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Appendix A: Draft Conditions of Approval

Note: Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

Recommended Conditions for Consent Application B08/24

Expiry Period

1. Conditions imposed must be met within two years of the date of the 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 two years, the application shall be deemed to be refused. Provided that all conditions are satisfied, the Certificate of Official is to be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of this Notice of Decision.
2. The Certificate of Official must be registered within two years from the issuance of the Certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

Severed Lands

3. The land to be severed by Consent Application number B08/24 shall be for the creation of one new lot approximately 1.52 hectares (3.76 acres) in area and will have a minimum of 61 metres (200 feet) of frontage along the shoreline of Big Gull Lake and a minimum of 77 metres (252.6 feet) along Gull Lake Road.

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 two years [Planning Act, s. 53(41)] after the date of Decision [Planning Act, ss. 53(17) and 53(24)].
5. The applicant or his/her solicitor shall prepare and submit to The Corporation of the Township of North Frontenac, a transfer or such other required form of document necessary to implement the consent, including Form 1, Form 2, Form 3, or Form 4, as applicable, prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustments for the municipality. This transfer or other legal document shall be provided to the municipality within a period of two years after Notice of Decision was given under subsection 53(15) or 53(24) of the *Planning Act*.

6. The surveyor or owner shall submit the draft Reference Plan electronically, or in paper form, for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.
7. That the description of the parcel being severed, and the names of the Transferor and Transferee are included on the schedule attached to the deed of the land.

Existing Structures

8. Prior to the signing of the Certificate of Official for the lot to be created through consent application B08/24 all existing structures shall be demolished and removed from the subject property.

Municipal Requirements

9. Minor variance application A04/24 for a reduction in the minimum required water frontage for the creation of a new lot must be approved prior to the signing of the Certificate of Official for the lot to be created through consent application B08/24.
10. That the Applicant(s) shall ensure an entrance is installed from Gull Lake Road to the lot proposed through Consent Application B08/24.
11. That the Applicant(s) shall purchase and install a civic address sign as per Municipal Requirements.
12. 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 signing of the certificate of official.
13. That the applicant shall provide payment to the Township of North Frontenac for a cash-in-lieu of parkland fee, pursuant to Sections 51(1) and 53(13) of the Planning Act, and in accordance with By-Law Number 34-19, in the amount of five percent (5%) of the appraised value of the land which is subject to this Consent application. The applicant shall provide a letter of opinion of value from a qualified appraiser or real estate professional (with comparable properties), or a professional appraisal completed to determine the value of the land as of the day before the provisional consent was given. The maximum payment amount shall be \$1,000.
14. In the event that there are abandoned wells located on the severed parcel, they be sealed in accordance with the requirements of the Ministry of the Environment.
15. Where a violation of the Township of Central Frontenac Zoning By-Law is evident, the appropriate minor variance or re-zoning be obtained to the satisfaction of the Municipality.
16. That confirmation is filed with the application file that conditions have been fulfilled to the municipality's satisfaction.

Recommended Conditions for Application A04/24

Applicability

1. That the minor variance granted through application A04/24 is only for:
 - a. A reduction in waterfrontage for the lot to be created through Consent Application B08/24. This lot shall have a minimum waterfrontage of 61 metres (200 feet) along the shoreline of Big Gull Lake.
2. This minor variance does not include permission for a reduction in any other required zoning provisions for any future development that may occur on the property.

Appendix B: Relevant Planning Policy and Legislation

Planning Act

Section 53(1) of the Planning Act allows for the division of land by consent, provided that the approval authority is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. When determining whether to grant a provisional consent, a municipality is required by Section 53(12) of the Planning Act to have regard for the matters listed in Section 51(24) of the Planning Act.

Section 51(24) of the Planning Act includes a list of criteria that need to be addressed when subdividing land, which includes: conformity with the Official Plan; suitability of the land for the proposed development; adequacy of, and connections to, public roads; dimensions and shapes of lots; conservation of natural resources and flood control; and adequacy of utilities and municipal services.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable, and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS, which requires the approval authority to apply the relevant policies of the following sections:

- Section 1: Building Strong Healthy Communities of the PPS promotes the building of healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental, and social benefits.
- Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the PPS.

The following policies are applicable to this application:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c).
- Permitted uses on rural lands include residential development that is locally appropriate (Section 1.1.5.2.c).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 1.1.4.1.a).
- Promoting development that is compatible with the rural landscape and can be sustained by rural service levels (Section 1.1.5.4).
- New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. (Section 1.1.5.8).
- Individual on-site water and sewage services may be used provided that site conditions are suitable for the long term provision of such services with no negative impacts (Section 1.6.6.4).
- Natural features and areas shall be protected for the long term (Section 2.1.1).
- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 3).

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

Township of North Frontenac Official Plan (2017)

The property is designated as Waterfront Area and Rural Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

The intent of the policies in the Rural Area designation are to maintain rural character and ensure that properties may be adequately serviced. Within the Rural Area the plan provides for a supply of land for a diversity of traditional and evolving rural uses including: rural residential, rural co-operative, recreational oriented uses and rural commercial and industrial uses. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

- The lot(s) to be severed and to be retained must meet the requirements of the Zoning By-law. (Section 3.15.2.D)
- Residential development may occur on individually created lots or by Plan of Subdivision. (Section 4.3.2.A)
- Lot sizes for rural residential development or waterfront residential development shall be no less than 0.8 ha (2 acres). (Section 4.3.2.A)
- Residential development shall be adequately serviced with on-site water and sewage disposal services (Section 4.3.2.B)
- Residential development will be permitted where it has frontage on and direct access to year-round maintained roads, preferably the existing network of roads, or on private lanes, either of which must meet municipal standards for road construction (Section 3.15.2.H & 4.3.2.C)
- All residential development is subject to the natural and human made hazards requirements of this plan (Section 4.3.2.I)
- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the density of buildings and structures in the Waterfront Area is an important part of protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.

- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.
- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.
- Section 4.10.8 (A)(vi) allows existing lots of record and lots in existing and approved Plans of Subdivision to be developed under strict conditions where a proponent can demonstrate there will be no impacts on lake water.
- Section 4.10.8 (A)(xi) states that applications for Minor Variances to the Zoning setbacks established for at capacity lake trout lakes may be required to be supported by an Environmental Impact Assessment prepared in accordance with this Plan depending on the extent and impact of the proposal
- It is a policy of Council to protect and manage the identified wetlands as ecosystems which are important as habitat for a variety of plant and animal species, for water quality, flood control and water storage and recharge areas and for their value for passive recreation (Section 4.12.2.B)



24-NF-CN

June 12, 2024

Tara Mieske
Secretary-Treasurer
Township of North Frontenac
P.O. Box 97
Plevna, Ontario K0H 2M0

Dear Ms. Mieske:

**Re: Consent Application– #B08/24
Part Lot 15, Con 1, Township of North Frontenac (Barrie)
THOMPSON**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Hazard issues. The scope of the natural hazards review includes flooding, erosion, wetlands, unstable slopes and unstable soils.

PROPOSAL

According to the notice, *The Applicants are proposing to create One (1) New Lot with an area of approximately 1.52 hectares and a proposed water frontage on Big Gull Lake of 61 metres. The retained lot will have an approximate area of 3.31 hectares with a proposed water frontage of approximately 167 metres.* We note concurrent Minor Variance Application #A04/24 to request relief for reduced water frontage on the severed lands.

PROPERTY CHARACTERISTICS

According to a review of MVCA mapping and a site visit, the severed and retained lands have frontage on Big Gull Lake. In addition, a large MVCA regulated wetland extends into the centre of the retained lands. This wetland is connected to the lake. No potential erosion hazards were identified.

REVIEW

Natural Hazards (Advisory)

The objective of MVCA's natural hazards review is to ensure that the control of *flooding* and *erosion* are not impacted by development. This includes the flood plain and impacts to wetlands, watercourses, slope stability, and unstable soils. For the subject property, the **lake and wetland** are relevant to MVCA's advisory review.

Waterbody

Both resulting lots have frontage on Big Gull Lake.

MVCA considers both direct and indirect impacts to waterbodies/watercourses, within the context of flooding and erosion. Impacts are not anticipated if minimum waterbody setback requirements (as stipulated by the municipality), and mitigation measures designed to prevent erosion are adhered to. Overland flow and surface runoff, wave and ice movement are commonly associated with shoreline erosion. In order to mitigate these effects, MVCA recommends meeting minimum waterbody setback requirements and the retention of vegetated buffers. Naturalized shorelines with an abundance of vegetation provide erosion protection by assisting with the mitigation of surface runoff. In addition, the root system of vegetation binds the soil, to further mitigate erosion.

Wetland

As previously indicated, (1) unevaluated wetland, that is regulated by MVCA, exists along the shoreline of Big Gull, on the retained lands.

All wetlands play an important role in providing hydrologic, ecosystem and human benefits. In terms of hydrologic benefits (i.e. flooding and erosion control), wetlands retain water during the spring freshet and storm events, allowing water to slowly release into watercourses, infiltrate into the ground to recharge groundwater, and to evaporate. When located along the shoreline of a waterbody, wetlands also reduce the energy of moving water including boat wakes, and mitigate associated shoreline erosion.

A minimum development setback of 30 m is generally considered sufficient to ensure there are no impacts to wetlands, that would result in flooding and erosion.

MVCA Ontario Regulation 41/24 (Regulatory)

Pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any interference within 30 m of the identified wetland; or for any alterations to the shoreline of Big Gull Lake.

RECOMMENDATIONS AND CONCLUSIONS

For the following reasons, MVCA does not have any objections to the subject application:

- Sufficient area appears to exist on the resulting lots to accommodate a building envelope beyond the minimum watercourse setback requirement, as stipulated by the municipality;
- Sufficient area appears to exist on the retained lands to accommodate a building envelope beyond the 30 m of the MVCA regulated wetland.

In order to mitigate the effects of erosion and surface runoff, we recommend the following mitigation measures:

1. A minimum vegetated buffer of 15 m shall be retained along the border of the MVCA regulated wetland, and along the shoreline of Big Gull Lake.
2. Natural drainage patterns on the site shall not be substantially altered, such that additional runoff is directed into the MVCA regulated wetland or into the lake.

NOTES

The applicant should be advised that, pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any interference within 30 m of the regulated wetland; or for any alterations to the shoreline of the lake.

We advise consultation with Fisheries and Oceans Canada (DFO) <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Diane Reid".

Diane Reid
Environmental Planner



6648 Road 506 Plevna, Ontario K0H 2M0
www.northfrontenac.ca

Notice of Public Hearing
Application for Permission
To Expand Non-Complying Structure
Clause 45(2) of the Planning Act
Section 3, O.Reg. 200/96

File No.: #A03/24

**Subject Land: Plan 1944, Lots 26 and 33, Geographic Township of South
Canonto (4103 Palmerston Lake)**

Applicant(s): Mary Rothfels

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **June 24, 2024, at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

Purpose and Effect under Section 45(2):

The Applicant is proposing to construct a 210 square foot addition on the northeast side of the existing dwelling with an approximate setback of 80 feet from the high water mark.

The existing two storey dwelling has an area of 1200 square feet and is located within the setback from the high water mark of Palmerston Lake. The total area of the proposed dwelling will be 1410 square feet with no further encroachment into the waterbody setback.

Submissions: Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk/Planning Manager at clerkplanning@northfrontenac.ca

Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

Public Hearing: You are entitled to attend this public hearing in person; or by electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at deputyclerk@northfrontenac.ca; or call (613) 479-2231 or 1-800-234-3953 ext. 231.

Additional Information: Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

Notice of Decision: If you wish to be notified of the decision of the Committee in respect of the proposed planning application, you must make a written request to the undersigned.

Appeal: If a "specified person" or "public body" as defined in the Planning Act files an appeal of a decision of the Committee of Adjustment in respect of the proposed planning application has not made a written submission or provide comments to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

Notice of Collection: Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant

legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

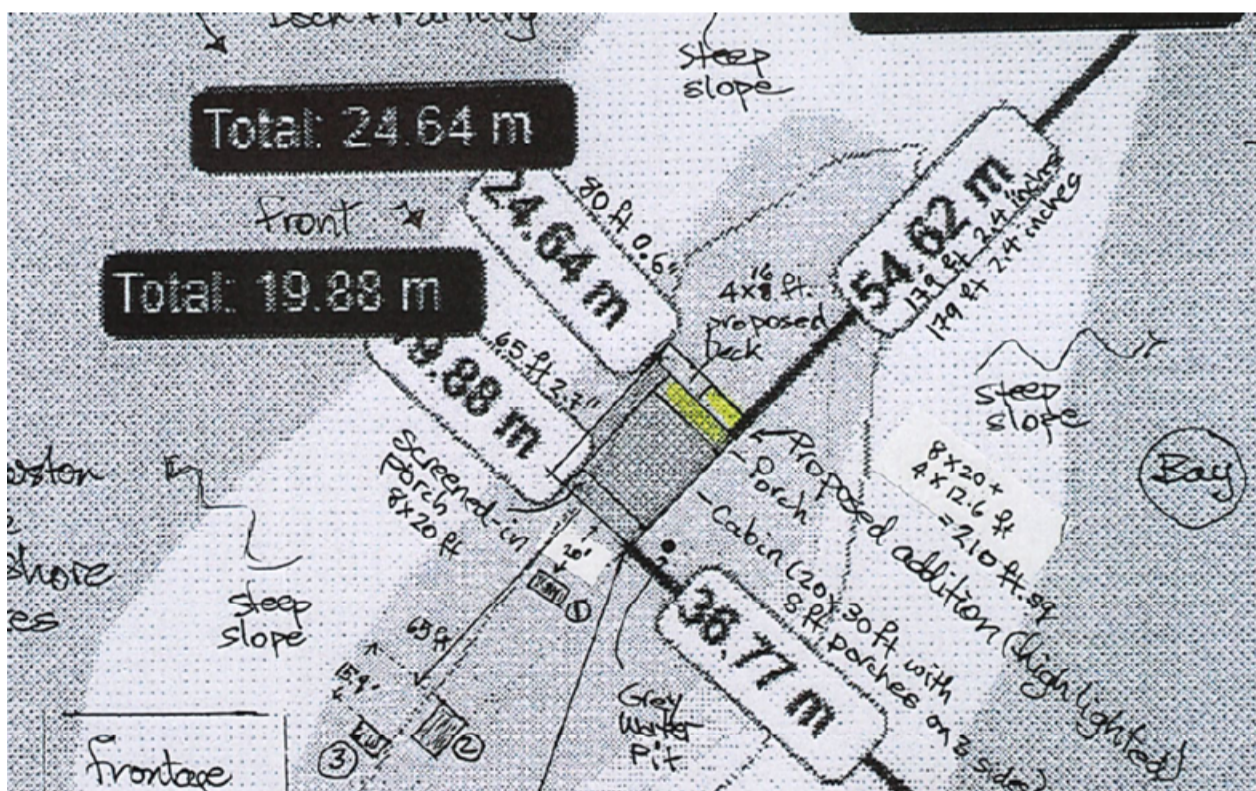
Dated at Plevna, Ontario this 29th day of April 2024.

Tara Mieske, Secretary-Treasurer
Township of North Frontenac
Email: clerkplanning@northfrontenac.ca

Key Map



Sketch





Planning Report

To: Members of Committee of Adjustment

Prepared By: Jennie Kapusta, Community Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager, Community Planning, County of Frontenac

Re: Application for Permission to Expand a Legal Non-Complying Structure (Dwelling)

Address: 4103 Palmerston Lake

Legal Description: South Canonto Plan Number 1944, Lot 26; and Lot 33 Palmerston Lake, Geographic Township of South Canonto

File Number: A03/24 (Rothfels)

Owner(s): Mary Rothfels

Applicant(s): Same as Owner

Date Prepared: June 17, 2024

Date of Public Meeting: June 24, 2024

Recommendation:

Planning staff are recommending that the Committee of Adjustment for the Township of North Frontenac receive comments from the public, and subject to any issues being raised at the public meeting, approve this application for permission to expand a legal non-complying structure, subject to the conditions outlined in Appendix A of this report.

Proposal:

This application proposes to:

- Construct a 19.5 square metre (210 square foot) addition to an existing legal non-complying structure (dwelling). This addition will not further reduce any existing non-complying waterbody setback. This addition will enclose a portion of an existing unenclosed and partially covered deck, while extending the width of the floor space by an additional 1.2 metres (4 feet) from the northeast end of the existing deck.
- Construct an uncovered and unenclosed deck with an area of 5.9 square metres (64 feet). This deck will be attached to the existing dwelling where the proposed addition is located and connect to the existing attached deck.

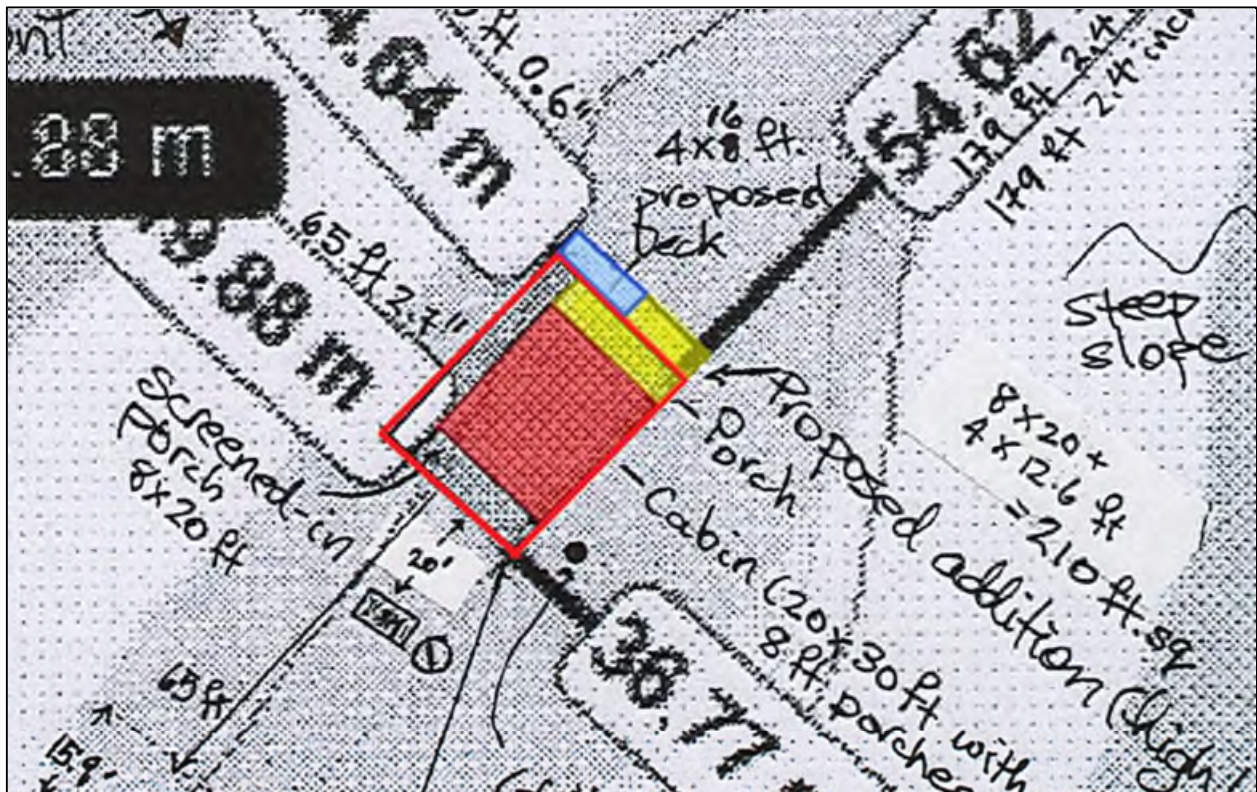


Figure 1: A portion of the plot plan submitted by the applicant showing the existing structure and proposed expansions. The existing dwelling (solid red) and attached deck (red outline), plus the proposed additional enclosed living space (solid yellow) and the proposed uncovered deck (solid blue).

Existing Development

- A one storey 55.7 square metre (600 square foot) dwelling, with attached 14.9 square metre (160 square foot) screen porch and attached 55 square metre (592 square foot) uncovered and unenclosed deck. This structure has a total footprint of 125.6 square metres (1,352 square feet) and a minimum waterbody setback of approximately 19.9 metres (65.3) feet from the high-water mark of Palmerston Lake.

- An outhouse and grey water system servicing the existing development. No upgrades in servicing are required to support the proposed development.
- The plot plan also shows a trailer located on the property, but this is a vehicle being stored rather than a regulated structure.

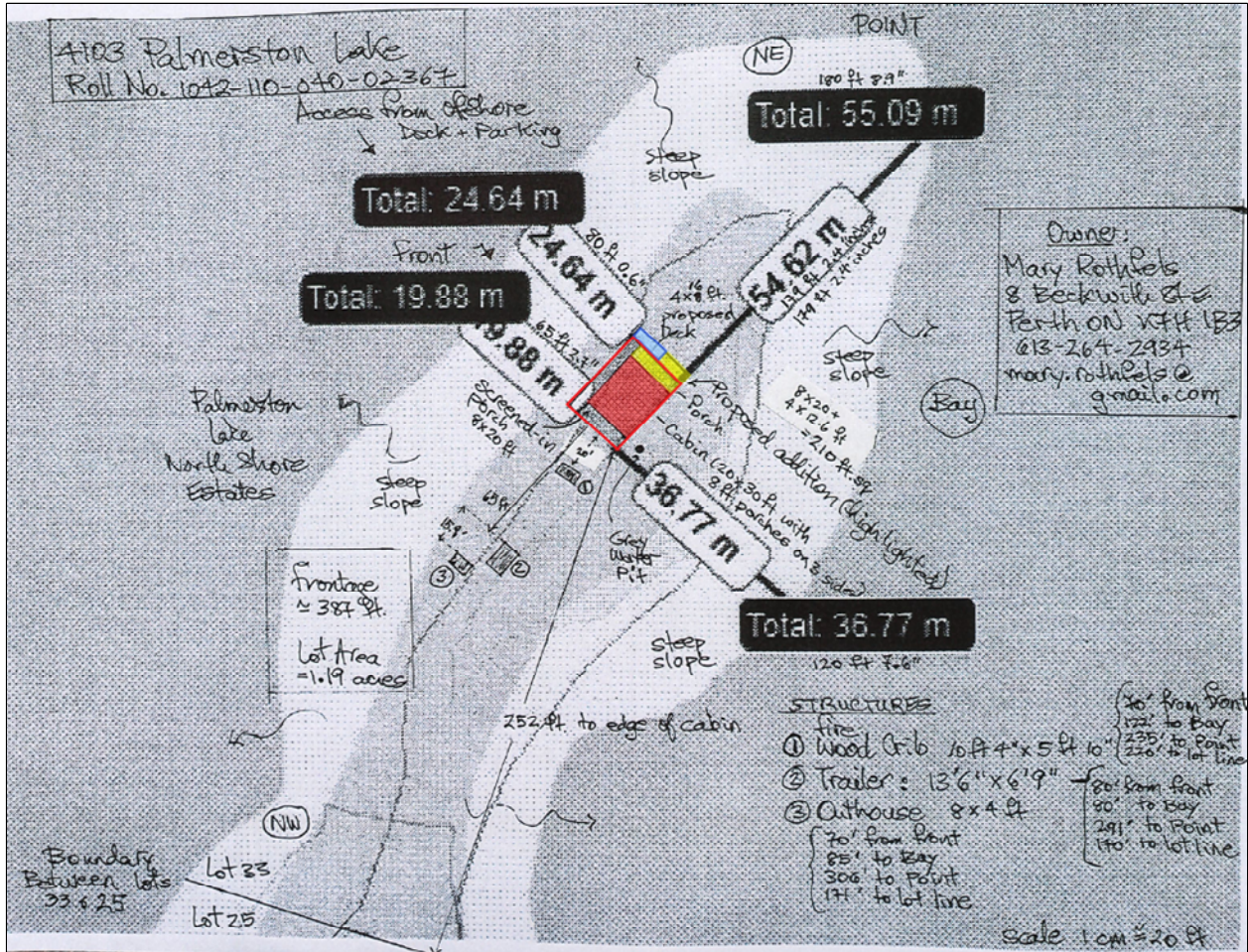


Figure 2: The entire plot plan submitted by the applicant, showing the existing and proposed structures in relation to the boundary of the peninsula on which they are located.



Figure 3: The end of the dwelling where the addition is proposed to be located. There is limited existing vegetation where the addition is proposed to be located.



Figure 4: The portion of the deck to be rebuilt and enclosed is shown with the red outline. The proposed extension will extend as far as the existing steps.

Background Information

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Limited Service Waterfront Exception Zone 2 (LSW-X2)
Current size (area) of subject property	0.48 hectares (1.19 acres)
Existing road frontage and access	Water access only via deeded right-of-way (over Block 30 of South Canonto Plan 1944) for boat launching. This boat launching area is accessed by North Shore Estates Lane.

Information Category	Response
Waterfrontage	118 metres (387 feet) along Palmerston Lake
Natural Hazards	Steep slopes
Natural heritage features	Palmerston Lake, a lake trout lake, not at-capacity. No other mapped natural heritage features.
Surrounding land uses	Developed waterfront residential lots also located in the North Shore Estates subdivision, along the shoreline of Palmerston Lake.

Pre-application Consultation:

The property owner consulted with Township, County, and Mississippi Valley Conservation Authority staff prior to the submission of this application. County planning staff conducted a site visit along with MVCA staff as part of this pre-application consultation review.

Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 10 days in advance of the meeting.

Comments

Mississippi Valley Conservation Authority (MVCA)

This application was circulated for review by MVCA. Comments dated June 7, 2024 indicated no objection to this application as proposed.

Based on their site visit, as well as a review of MVCA mapping, MVCA staff noted that the development area on the property is surrounded by slopes that are steeper than 3:1 and higher than 3 metres. The proposed additions are near the crest of slopes on two sides.

The MVCA review of these slopes meet the definition for a potential erosion hazard. Generally, in situations like this MVCA would recommend the completion of a slope stability assessment to ensure that development can proceed in a safe manner without

impacting slope stability. However, based on MVCA experience in the watershed, exceptions can be considered for minor additions, such as that proposed through this application. On this basis, MVCA are not recommending a slope assessment for this proposal.

MVCA noted that the subject property has frontage on Palmerston Lake. Impacts to waterbodies in the context of flooding and erosion hazards are generally not anticipated if the minimum waterbody setback is adhered to. Where this setback cannot be achieved MVCA recommends the following:

- No further waterbody encroachment, as compared to the existing structure.
- Mitigation measures including vegetated buffers and naturalized shorelines along with not altering substantially natural drainage patterns to limit impact on erosion potential.

Based on their review, there are no works proposed that would require written permission from MVCA.

Septic Approval Authority (Township of North Frontenac)

During the pre-application consultation process the building department reviewed the documents detailing the existing on-site services and compared them to the details on the proposed expansion. As a result of this review, it was determined that there would be no need to enlarge/upgrade the on-site services to accommodate the expansion being proposed.

Public Comments

County planning staff are not aware of any public comments received at the time of drafting this report.

Conformity and Consistency with Policy Planning Documents

Applications for permission are required to be consistent with the Provincial Policy Statement, 2020 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed expansion is consistent with and conforms to the planning policies of all these documents.

The key policies of each document that are applicable to the subject application are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

North Frontenac Zoning By-Law Number 55-19

The subject property is zoned Limited Service Waterfront Exception Zone 2 (LSW-X2) in the Township of North Frontenac Zoning By-Law Number 55-19. The LSW Zone permits single detached dwellings and a variety of low-impact accessory uses. The LSW-X2 zone includes additional provisions requiring that any sewage disposal system be setback a minimum of 30 metres (98.4 feet) and all lands within 30 metres of the shoreline be left in a natural state. The LSW-X2 zones further requires that the minimum floor area of any dwelling shall be 112 square metres (1,205.5 square feet).

The LSW zone permits a maximum lot coverage of 15 percent for a principal structure located within 60 metres (200 feet) of the shoreline. The existing dwelling has a total footprint of 125.6 square metres (1,352 square feet) which equals a lot coverage of 2.6 percent. The proposed addition will increase the total footprint to 151 square metres (1,626 square feet) which equals a lot coverage of 3.1 percent for the main building.

The existing dwelling was constructed within the required 30 metre (98.4 foot) waterbody setback before the current zoning by-law came into effect and is therefore considered to be a non-complying structure. Section 3.24 of the Zoning By-law allows the renovation, repair, or reconstruction of existing non-complying structures as long as the footprint and volume of the structures are not increased. Since the application proposes to increase the livable space of the dwelling within the 30 metre waterbody setback, approval is required under Section 45(2) of the Planning Act.

The intent of the 30 metre (98.4 foot) waterbody setback is to provide a vegetative buffer between a development envelope and shoreline for the purpose of maintaining aquatic habitat, run-off filtration, and reducing visual impacts of development on the waterfront character of the area. There is no shoreline vegetation removal required to facilitate this application and the existing dwelling is well screened from Palmerston Lake.

The proposal meets all other requirements of the zoning by-law and staff are satisfied that the request meets the intent of the zoning by-law.

Planning Analysis and Considerations

This application was reviewed against the policies of the Provincial Policy Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

Waterfront Character

County planning staff are of the opinion that the proposed enlarged dwelling will not result in any adverse impacts on the character of the waterfront or adjacent land uses.

The existing shoreline is heavily vegetated, and the dwelling is not visible when the property is viewed from the lake.

Sewage Disposal System Services

As noted in the Comments section above, the existing on-site servicing is sufficient to accommodate the enlarged dwelling.

Natural Heritage

There is no shoreline vegetation removal proposed as part of the construction of the addition. All proposed construction will take place in the vicinity of the existing structure in an area with limited existing vegetation. County planning staff do not anticipate any negative impact on the quality of the waterbody as a result of this application.

Minimum Distance Separation

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property.

Natural Hazards

As discussed in the Comments section, above, there are steep slopes identified on the subject property and in the vicinity of the proposed additions. However, given the limited size of the additions, MVCA do not have any concerns regarding natural hazards on the property.

Legal Non-Conforming Structures

In accordance with Section 45(2) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of an existing legal non-conforming building or structure, where the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and following the date the By-law was passed. No permission may be given by the Committee to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated.

In considering whether to grant a permission pursuant to Section 45(2), the relevant tests are:

1. Is the application desirable for appropriate development of the subject property?

County planning staff are of the opinion that the application is desirable for the appropriate development of the subject property. The additions proposed to the dwelling are limited in size and are not anticipated to negatively impact either the water quality of

Palmerston Lake or the identified natural hazards. There is no vegetation removal proposed along the shoreline or in proximity to the additions.

The enlarged dwelling will not exceed the lot coverage provisions of the Township Zoning By-law.

2. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

County planning staff are of the opinion that the proposal will not result in any undue adverse impacts on the surrounding properties and neighbourhood. The subject property is a peninsula that extends into the body of Palmerston Lake. There will be no loss of privacy or overlook to the abutting properties. The existing dwelling is not visible from the water or any of the mainland properties nearby, and the proposed additions will not alter this situation.

The proposed development is in keeping with the existing character of development along the shoreline of Palmerston Lake in the vicinity of the subject property.

Conclusion

Subject to any additional comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve application A03/24, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

Attachments

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1– Applicant Submitted Site Plan

Appendix A: Draft Conditions of Approval

Note: Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

Recommended Conditions for Application A03/24 (Rothfels)

Applicability

1. That the permission granted through application A03/24 is only for:
 - a. The construction of a 19.5 square metre (210 square foot) addition to the existing dwelling. This addition will enclose a portion of an existing unenclosed and partially covered deck, while extending the width of the floor space by an additional 1.2 metres (4 feet) from the northeast end of the existing deck. This addition will not further reduce any existing non-complying waterbody setback.
 - b. Construct an uncovered and unenclosed deck with an area of 5.9 square metres (64 feet). This deck will be attached to the existing dwelling where the proposed addition is located and connect to the existing attached deck. This deck will not further reduce any existing non-complying waterbody setback
2. This permission does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any future structures.

No Adverse Impacts

3. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

Building Permits

4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.
5. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be

required should further zoning deficiencies be identified through the Building Permit application process.

Construction Method

6. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place and in good working order until all disturbed areas have been stabilized and re-vegetated.
7. All excavated material and accumulated sediment along sediment control measures shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
8. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake to a leach pit or well-vegetated area to maximize infiltration.

Appendix B: Relevant Planning Policy

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS, which requires the approval authority to apply the relevant policies of the following sections:

- Section 1: Building Strong Healthy Communities of the PPS promotes the building of healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the PPS.

The following policies are applicable to this application:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c).
- Permitted uses on rural lands include residential development that is locally appropriate (Section 1.1.5.2.c).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 1.1.4.1.a).
- Promoting development that is compatible with the rural landscape and can be sustained by rural service levels (Section 1.1.5.4).
- Natural features and areas shall be protected for the long term (Section 2.1.1).

- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 3).

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 3.3.3.4 Special Policies – Waterfront Areas provides policies that are intended to improve and protect waterfront areas as a significant cultural, recreational, economic and natural environmental resource and to maintain or enhance the quality of the land areas adjacent to the shore. Further, this section requires Township Official Plans to include criteria for determining an appropriate setback where an existing lot of record cannot achieve the minimum setback of 30 metres.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

Township of North Frontenac Official Plan (2017)

The property is designated as Waterfront Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the density of buildings and structures in the Waterfront Area is an important part of protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.
- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.
- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.
- Section 4.10.8 (A)(vi) allows existing lots of record and lots in existing and approved Plans of Subdivision to be developed under strict conditions where a proponent can demonstrate there will be no impacts on lake water.
- Section 4.10.8 (A)(xi) states that applications for Minor Variances to the Zoning setbacks established for at capacity lake trout lakes may be required to be supported by an Environmental Impact Assessment prepared in accordance with this Plan depending on the extent and impact of the proposal



24-NF-LP

June 7, 2024

Tara Mieske
Secretary-Treasurer
Township of North Frontenac
P.O. Box 97
Plevna, Ontario K0H 2M0

Dear Ms. Mieske:

**Re: Application for Permission #A03/24
Part Lot 14, Con 1, Township of North Frontenac (South Canonto)
4103 Palmerston Lake
ROTHFELS**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Hazard issues. The scope of the natural hazards review includes flooding, erosion, wetlands, unstable slopes and unstable soils.

PROPOSAL

According to the notice, *The Applicant is proposing to construct a 210 square foot addition on the northeast side of the existing dwelling with an approximate setback of 80 feet from the high water mark.*

The existing two storey dwelling has an area of 1200 square feet and is located within the setback from the high water mark of Palmerston Lake. The total area of the proposed dwelling will be 1410 square feet with no further encroachment into the waterbody setback

PROPERTY CHARACTERISTICS

The subject property is a water-access property that is part of a peninsula of Palmerston Lake, with lake frontage on 3 sides. Based on a site visit, as well as a review of MVCA mapping, the property is surrounded by slopes that are steeper than 3:1 and higher than 3 m. The proposed additions are in close proximity to the crest of slopes on two sides.

REVIEW

Natural Hazards (Advisory)

Erosion Hazard (Slopes)

It is provincial policy that: *Development shall generally be directed to areas outside of hazardous lands adjacent to a stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (Provincial Policy Statement 2020, Section 3.1.1.b). The document entitled *Understanding Natural Hazards* (Ministry of Natural Resources, 2001) was prepared as a guide to identify and provide direction and methods to address these hazards. As per the guide, *Erosion hazards* include slopes which have the potential for erosion and/or instability due to their steepness and height i.e. steeper than 3:1 and higher than 3m.

Based on MVCA's measurements, the slopes on the subject property are steeper than 3:1 and higher than 3 m. Therefore, they are considered potential *Erosion Hazards*. In these cases, MVCA would generally recommend the completion of a slope stability assessment to ensure that development can proceed in a safe manner without impacting slope stability. However, in MVCA's experience in other areas of our watershed, exceptions can be considered for minor additions such as is proposed. On this basis, it is our recommendation that the decision to proceed with an assessment, be left to the discretion of the property owner.

Waterbody

The subject property has frontage on Palmerston Lake.

MVCA considers both direct and indirect impacts to waterbodies/watercourses, within the context of flooding and erosion. Impacts are not anticipated if minimum waterbody setback requirements (as stipulated by the municipality) are adhered to. However, if the minimum development setback cannot be met, as with the subject proposal, we recommend the following:

- No further encroachment towards the waterbody, compared to the existing structure: We note that no further encroachment is proposed.;
- Mitigation measures:
 - *Vegetated Buffers*: Overland flow and surface runoff, wave and ice movement are commonly associated with shoreline erosion. In order to mitigate these effects, we recommend the retention/planting of vegetated buffers. Naturalized shorelines with an abundance of vegetation provide erosion protection by assisting with the mitigation of surface runoff. In addition, the root system of vegetation binds the soil, to further mitigate erosion.
 - *Drainage Patterns*: Natural drainage patterns on the site should not be substantially altered such that additional drainage is directed towards the waterbody.

MVCA Ontario Regulation 41/24 (Regulatory)

Pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any alterations to the shoreline of Palmerston Lake.

It is our understanding that no works are proposed that require written permission from MVCA.

RECOMMENDATIONS AND CONCLUSIONS

Based on the above, MVCA does not have any objections to the subject application provided the following mitigation measures are implemented:

1. In accordance with the provisions of the relevant Municipal Zoning By-law, the existing vegetation along the shoreline shall be retained, with the exception of the allowable clearing for water access. This effort will help to mitigate the effects of erosion on the shoreline. We also recommend that the vegetation on the slopes be retained in their entirety, in order to mitigate erosion and impacts on the stability of the slopes.
2. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is directed towards the slopes and waterbody.

NOTES

A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

The applicant should be advised that, pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any alterations to the shoreline of the lake.

We advise consultation with Fisheries and Oceans Canada (DFO) [Projects near water \(dfo-mpo.gc.ca\)](http://dfo-mpo.gc.ca) prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

Yours truly,



Diane Reid
Environmental Planner



6648 Road 506 Plevna, Ontario K0H 2M0
www.northfrontenac.ca

Notice of Public Hearing
Application for Minor Variance
Clause 45(1) of the Planning Act
Section 3, O.Reg. 200/96

File No.: #A05/24

**Subject Land: Plan 699, Lot 8, Concession 11, Geographic Township of Barrie
(1149 Rekrview Lane)**

Applicant(s): William and Catherine Campbell

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **June 24, 2024, at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

Purpose and Effect under Section 45(1):

The Applicant is applying for relief from Sections 3.27 and 4.9.3 of By-law #55-19, the Zoning By-law. Section 3.27 (e) and Section 4.9.3 (a) provides that all structures shall be setback from the high-water mark of all waterbodies a minimum of 30 metres.

The Applicants are proposing to construct a new non-occupancy outdoor cooking and seating area structure on their property with a building footprint of 4.57m x 7.62m (34.8 square meters). The proposed setback of the structure is 18.9 meters from the high-water mark of Mazinaw Lake.

Submissions: Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Deputy Clerk at deputyclerk@northfrontenac.ca

Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

Public Hearing: You are entitled to attend this public hearing in person; or by electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at deputyclerk@northfrontenac.ca; or call (613) 479-2231 or 1-800-234-3953 ext. 231.

Additional Information: Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

Notice of Decision: If you wish to be notified of the decision of the Committee in respect of the proposed planning application, you must make a written request to the undersigned.

Appeal: If a "specified person" or "public body" as defined in the Planning Act files an appeal of a decision of the Committee of Adjustment in respect of the proposed planning application has not made a written submission or provide comments to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

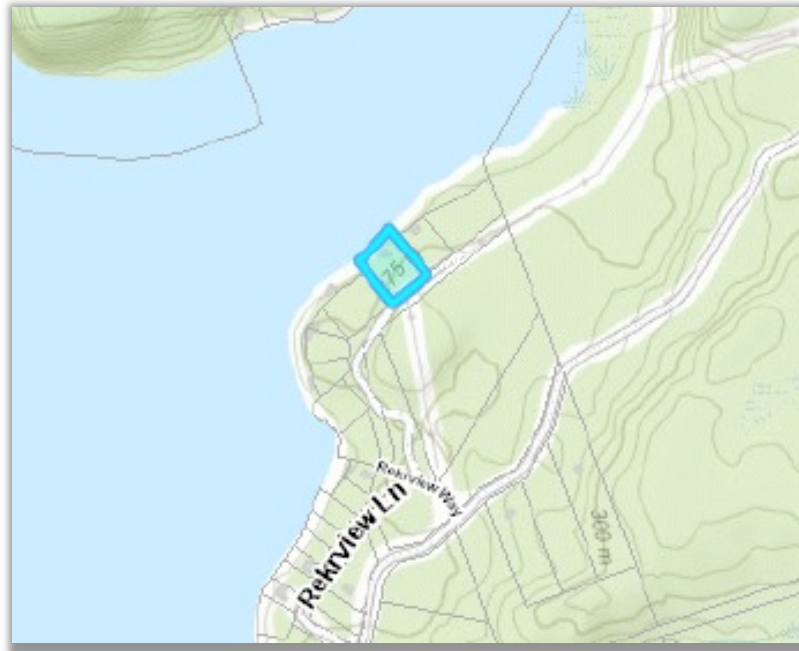
Notice of Collection: Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant

legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

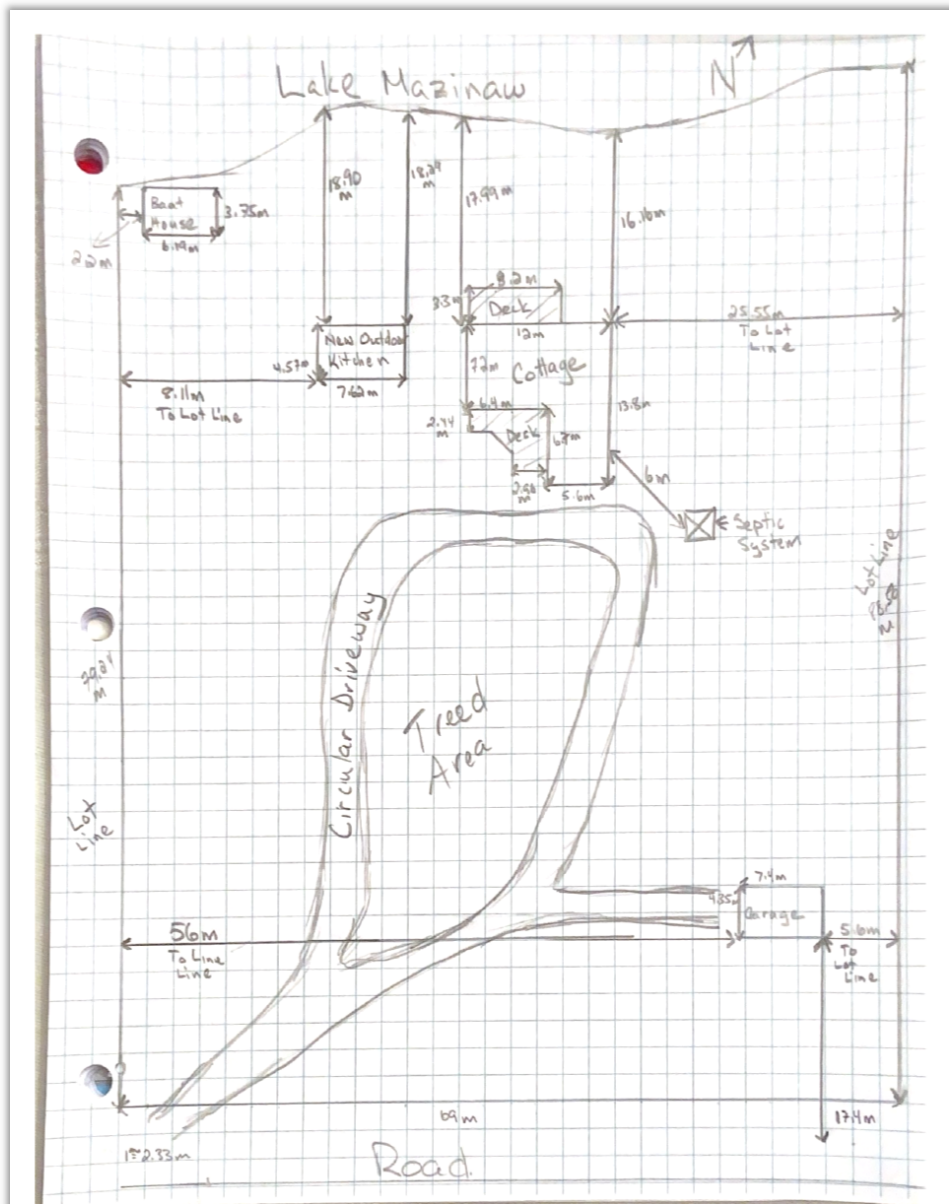
Dated at Plevna, Ontario this 14th day of May 2024.

Brooke Drechsler, Deputy Clerk
Township of North Frontenac
Email: deputyclerk@northfrontenac.ca

Key Map



Sketch





Planning Report

To: Members of Committee of Adjustment

Prepared By: Jennie Kapusta, Community Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager of Community Planning, County of Frontenac

Re: Application for Minor Variance to Permit the Construction of an Accessory Structure within 30 Metres (98 feet) of a Waterbody.

Address: 1149 Rekrview Lane

Legal Description: Part Lot 8, Concession 11, Geographic Township of Barrie

File Number: A05/24 (Campbell)

Owner(s): William Campbell and Catherine Campbell

Applicant(s): Same as Owners

Date Prepared: June 18, 2024

Date of Meeting: June 24, 2024

Recommendation:

That the Committee of Adjustment for the Township of North Frontenac receive comments from the public, and subject to any issues being raised at the public meeting, approve this application for minor variance subject to the conditions outlined in Appendix A of this report.

Proposal:

This application proposes to construct a 35 square metre (376.8 square foot) accessory structure a minimum of 18.29 metres (60 feet) from the high-water mark of Lower Mazinaw Lake. The proposed structure will be a covered but unenclosed structure, with a concrete slab floor, that will house an outdoor kitchen and seating area.

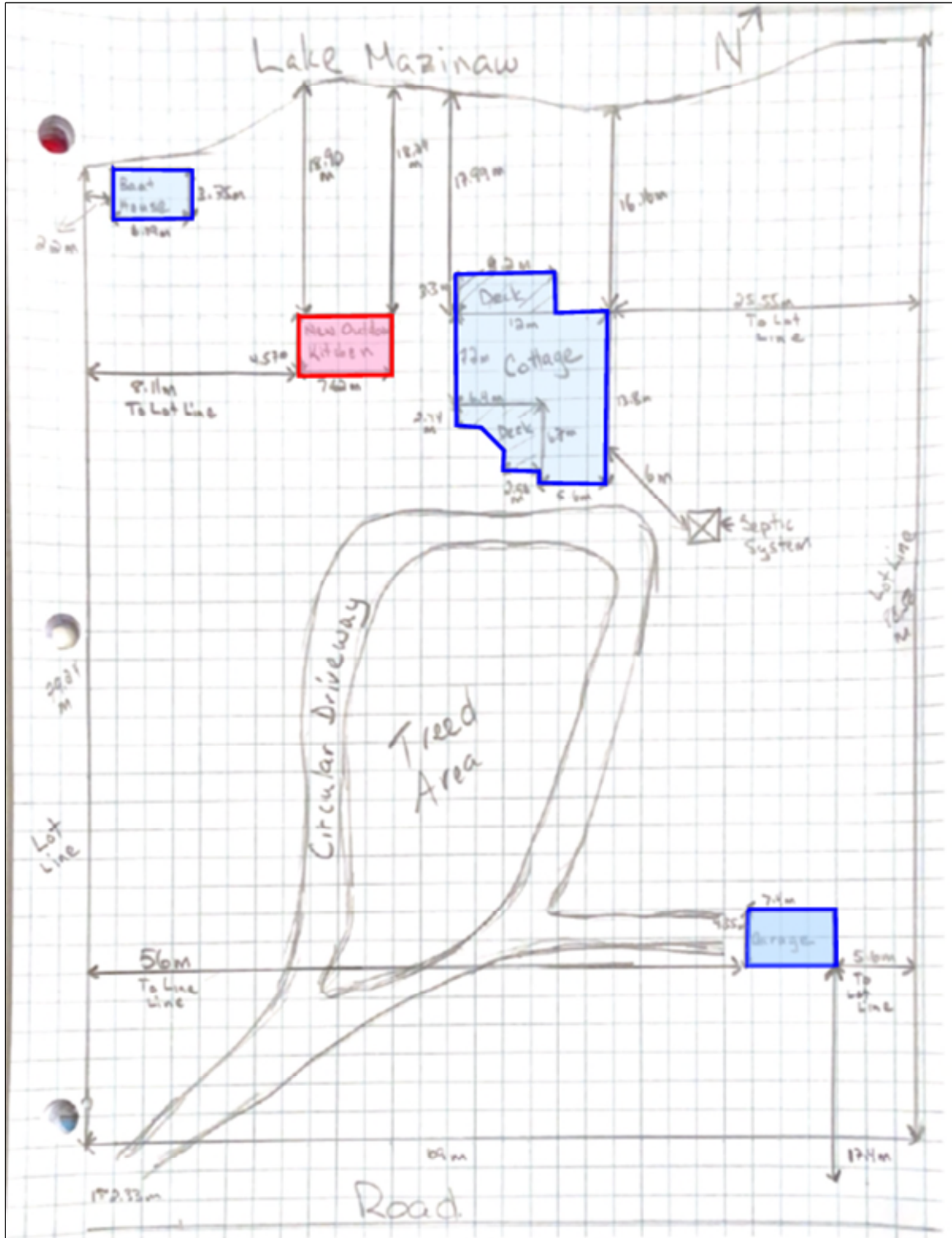


Figure 1: Plot plan submitted with the application showing the existing (blue outline) and proposed (red outline) structures.

Minor variance from the zoning by-law is required to permit the proposed development for the following reasons:

Variance 1: Section 3.1.1(c) of the zoning by-law states that no accessory use, building or structure shall be erected closer to the front or exterior side lot lines than the minimum yard setbacks required for the main building.

Section 4.9.3 (a) of the zoning by-law states that all principal uses shall have a minimum 30 metre (98.4 foot) Front Yard (with shoreline frontage). The applicant is requesting a front yard of 18.29 metres (60 feet), a variance request of 11.71 metres.

Variance 2: Section 3.27(e)(i) requires all structures to be setback a minimum of 30 meters (98.4 feet) from the high-water mark of a waterbody, with the exception of waterfront structures which shall comply with the setbacks established in Section 3.1. The applicant is requesting a waterbody setback of 18.29 metres (60 feet), a variance request of 11.71 metres.

Existing Development

- A one storey 124 square metre (1,335 square foot) dwelling, with two attached uncovered and unenclosed decks, 27 square metres (290 square feet) on the water side and 32.7 square metres (353 square feet) on the non-water side of the dwelling, for a total footprint of 183.7 square metres (1,978 square feet). This structure has a minimum waterbody setback of 12.86 metres (42.2 feet) to Lower Mazinaw Lake, when measured from the attached deck.
- A 23 square metre (248 square foot) boathouse located at the shoreline.
- A 32 square metre (344 square foot) single storey garage located approximately 67 metres (220 feet) from the lake.
- The existing development is serviced with a Class 4 septic system located approximately 32 metres (105 feet) from the lake.

Background Information

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	0.59 hectares (1.46 acres)

Information Category	Response
Existing road frontage and access	69 metres (226 feet) on Rekrview Lane
Waterfront	Approximately 69 metres (226 feet) along Lower Mazinaw Lake
Natural heritage features	Lower Mazinaw Lake, a lake trout lake (not at capacity). Shoreline has some existing vegetation.
Surrounding land uses	Developed waterfront residential lots along the shoreline of Lower Mazinaw Lake. Larger naturally vegetated parcels in-land that are both privately owned and Crown Land.



Figure 2: The area proposed for the construction of the outdoor kitchen area, marked with orange topped stakes and highlighted with the dashed yellow outline.



Figure 3: The area proposed for the construction of the outdoor kitchen area, marked with orange topped stakes and highlighted with the dashed yellow outline. The shoreline can be seen in the background.

Pre-application Consultation:

The property owner consulted with Township and County planning staff prior to the submission of this application. County planning staff conducted a site visit as part of this pre-application process.

Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 10 days in advance of the meeting.

Comments

Mississippi Valley Conservation Authority (MVCA)

This application was circulated to MVCA for review. Email comments dated June 11, 2024 stated that based on a review of available mapping, there are no shoreline slopes that meet the criteria of a potential erosion hazard. Further, that the proposed development is not within 30 metres (98.4 feet) of a wetland. Based on this preliminary review MVCA staff screened this application out of their formal review process.

It was noted that a permit would be required from MVCA for any future alterations to the shoreline of the lake, pursuant to Ontario Regulation 41/24.

Septic Approval Authority (Township of North Frontenac)

This application did not require a review of septic performance as there is no increase in interior living space proposed.

Public Comments

At the time of the writing of this report, there had been no public comments received regarding this application.

Conformity and Consistency with Policy Planning Documents

Applications for minor variance are required to be consistent with the Provincial Policy Statement, 2020 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed expansion is consistent with and conforms to the planning policies of all these documents.

The key policies of each document that are applicable to the subject application are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

North Frontenac Zoning By-Law Number 55-19

The subject property is zoned Limited Service Waterfront (LSW) in the Township of North Frontenac Zoning By-Law Number 55-19. The LSW Zone permits single detached dwellings and a variety of low-impact accessory uses.

Section 3.27(e)(i) of the Zoning By-law requires all new structures or buildings to be located more than 30 metres (98 feet) from the highwater mark of a waterbody. The intent of the 30 metres (98.4 foot) waterbody setback is to provide a vegetative buffer between a development envelope and shoreline for the purpose of maintaining aquatic

habitat, run-off filtration, and reducing visual impacts of development on the waterfront character of the area.

The subject property slopes down from the lane at the rear of the property towards a fairly level area in the vicinity of the shoreline and the existing cottage. The area proposed for the new structure had limited existing vegetation and has been cleaned up in preparation for the anticipated construction. There is no impact or alteration proposed for the existing shoreline vegetation and no negative impacts are anticipated on the water quality of Mazinaw Lake. The proposal meets all other requirements of the zoning by-law.

County planning staff are therefore of the opinion that the proposed application complies with the purpose and intent of the zoning by-law.



Figure 4: View of the existing cottage and location proposed for the new accessory structure (shown with dashed yellow outline), as seen from the lake.

Planning Analysis and Considerations

This application was reviewed against the policies of the Provincial Policy Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

Waterfront Character

The proposed accessory structure will have limited impact on the visual character of the lake as there are trees along the shoreline that will screen the view of the structure. The location proposed for the new structure had limited existing vegetation and no shoreline vegetation removal is proposed to facilitate construction.

Sewage Disposal System Services

As noted in the Comments section above, there was no requirement for a review of septic performance as no new interior living space is proposed.

Natural Heritage

Lower Mazinaw Lake is a not-at-capacity Lake Trout Lake. Section 4.10.8 (B) of the Township Official Plan states that Lake Trout Waters that are not at capacity can support additional shoreline development, provided that special precautions are taken to ensure that contamination from phosphorus is minimized.

This application does not propose additional development that will require any alteration to the existing septic system. The location proposed for the new structure had limited existing vegetation and has been cleaned up in preparation for the anticipated construction. There is no impact or alteration proposed for the existing shoreline vegetation.

Minimum Distance Separation

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property.

Natural Hazards

As noted by MVCA in the Comments section above, there were identified natural hazards on the subject property.

Minor Variance

Under Section 45(1) of the *Planning Act* a minor variance application must meet all of the four tests of minor variance. The four tests are:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent and purpose of the Zoning By-law?
4. Does the application conform to the general intent and purpose of the Official Plan?

Planning staff are of the opinion that the proposed minor variance to permit a reduction to the waterbody setback to accommodate the construction of a new accessory structure meets the four tests of minor variance for the following reasons:

1. Is the application minor?

County planning staff are of the opinion that the proposed waterbody setback reduction for the new accessory structure is minor because the topography and existing development on the subject property limit the ability to meet the required waterbody setback. The location chosen for the new structure is the most practical as it is in proximity to the existing cottage and in an area that is already being used as an activity area on the property.

2. Is the application desirable for the appropriate development of the lands in question?

County planning staff are of the opinion that the proposed development is desirable and appropriate for the subject property. The proposed development is in an area that had limited existing vegetation, and the new structure will increase the functionality and useability of the property for the owners. This construction is not anticipated to result in any loss of privacy or overlook to the neighbouring properties.

3. Does the application conform to the general intent and purpose of the Zoning By-law?

County planning staff are of the opinion that the general intent and purpose of the Zoning By-law is being met. The purpose of the 30 metre (98 foot) waterbody setback for any new structure is to ensure that the shoreline and waterbody is adequately protected and impacts from development are mitigated by a vegetation buffer that helps to filter run off, provide habitat for aquatic species, and minimize visual impact of development.

There is no further reduction in waterbody setback as compared to the existing cottage, and there is no increase in interior living space that would require upgrades or alterations to the existing septic system. There is no shoreline vegetation removal proposed and the location for the new structure is in an area that had limited existing vegetation.

4. Does the application conform to the general intent and purpose of the Official Plan?

This proposed variance conforms to the intent of the Waterfront Area policies in that the proposed development is not anticipated to negatively impact the waterbody and permits redevelopment of an existing developed property while maintaining the character of the waterfront area. Limiting the impact on Lower Mazinaw Lake is in keeping with the policies for development in proximity to lake trout lakes.

The intent of the Waterfront Area policies of the Township Official Plan are to ensure that development can occur without a significant impact on shoreline quality, shoreline character, and health of the waterbody.

There is no shoreline vegetation removal proposed through this application and the existing vegetation will aid in screening the new structure from the lake. The size and scale of the proposed development is in keeping with the existing character of waterfront development in the area.

Recommendation

Subject to any additional comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve application A05/24, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

Attachments

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1 – Applicant Submitted Site Plan

Appendix A: Draft Conditions of Approval

Note: Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

Recommended Conditions for Application A05/24 (Campbell)

Applicability

1. That minor variance granted through application A05/24 is only for the construction of a 35 square metre (376.8 square foot) accessory structure, to be located a minimum of 18.29 metres (60 feet) from the high-water mark of Lower Mazinaw Lake. The proposed structure will be a covered but unenclosed structure, with a concrete slab floor, that will house an outdoor kitchen and seating area.
2. This permission does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any future structures.

No Adverse Impacts

3. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation.

Building Permits

4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.
5. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

Construction Method

6. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place

and in good working order until all disturbed areas have been stabilized and re-vegetated.

7. All excavated material and accumulated sediment along sediment control measures shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
8. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.

Appendix B: Relevant Planning Policy

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS, which requires the approval authority to apply the relevant policies of the following sections:

- Section 1: Building Strong Healthy Communities of the PPS promotes the building of healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the PPS.

The following policies are applicable to this application:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c).
- Permitted uses on rural lands include residential development that is locally appropriate (Section 1.1.5.2.c).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 1.1.4.1.a).
- Promoting development that is compatible with the rural landscape and can be sustained by rural service levels (Section 1.1.5.4).
- Natural features and areas shall be protected for the long term (Section 2.1.1).

- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 3).

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

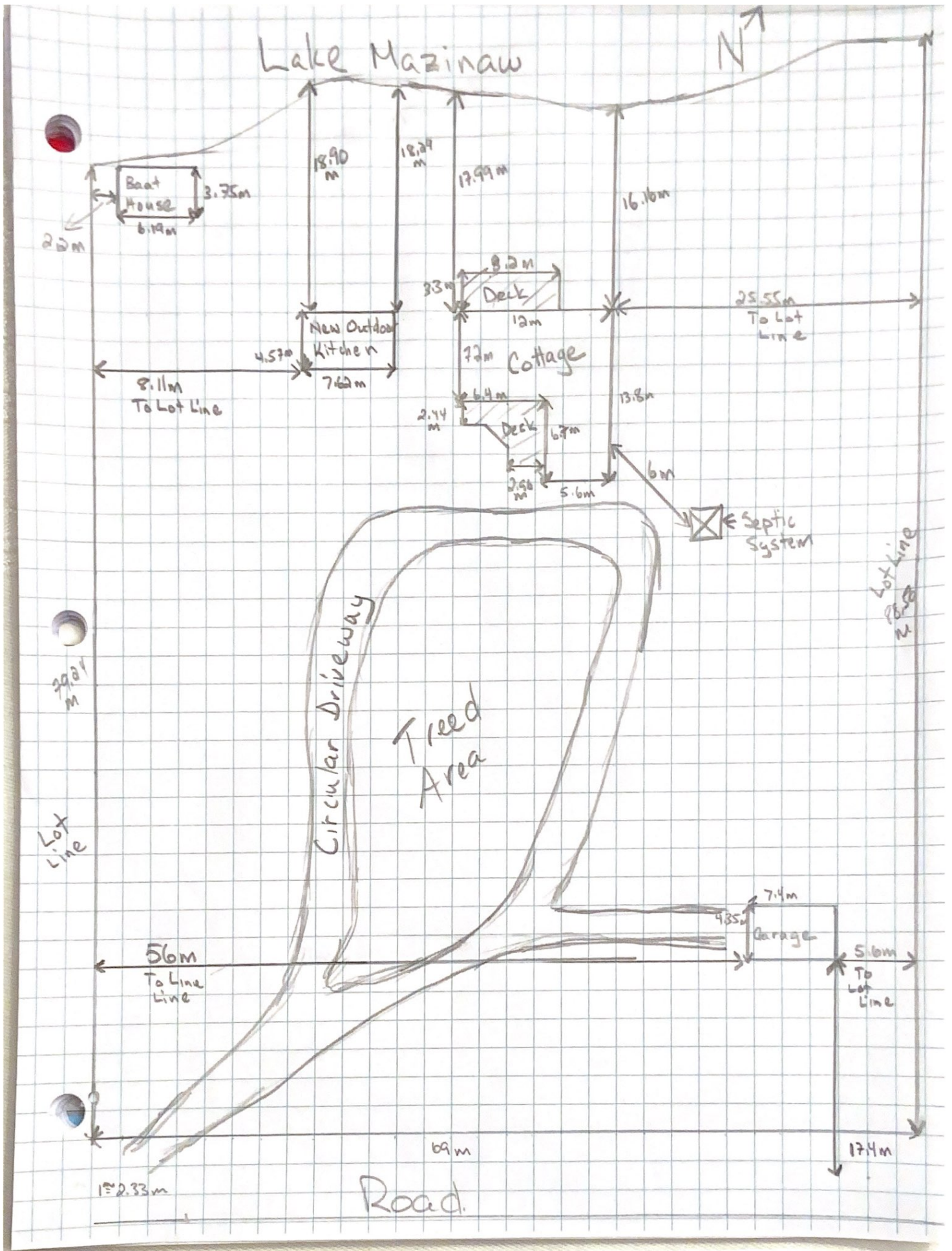
Township of North Frontenac Official Plan (2017)

The property is designated as Waterfront Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

- Section 3.17.2 state that lands throughout the Planning Area may be serviced by individual on-site sewage services and individual on-site water services. Individual on-site services are owned, operated and managed by the owner of the property upon which the system(s) are located.
- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the density of buildings and structures in the Waterfront Area is an important part of

protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.

- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.
- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.
- Section 4.10.8 (B) States that the lake trout waters [that are not at capacity] are those which are considered capable of supporting additional shoreline development (i.e. within 300 m (984 ft.) of the shoreline), provided that special precautions are taken to ensure that maximum containment of phosphorus occurs on the lot except as otherwise permitted in this section.



From: Diane Reid
Sent: Monday, June 10, 2024 3:52 PM
To: Tara Mieske
Cc: Sonia McLuckie; Brooke Drechsler; Jacob Perkins
Subject: RE: #A05/24 - Minor Variance - 1149 Rekrview Lane

Hi Tara,

Based on a review of available mapping, there are no shoreline slopes that meet the criteria of a potential *erosion hazard*. And, the proposed development is not within 30 m of a wetland. Therefore, it has been determined that there are no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened this application out of our formal review process.

We take this opportunity to note the following:

- In order to mitigate flooding and erosion impacts, MVCA recommends the following mitigation measures for development within the 30 m waterbody setback:
 - *Vegetated Buffers:* Overland flow and surface runoff, wave and ice movement are commonly associated with shoreline erosion. In order to mitigate these effects, we recommend the retention/planting of vegetated buffers. Naturalized shorelines with an abundance of vegetation provide erosion protection by assisting with the mitigation of surface runoff. In addition, the root system of vegetation binds the soil, to further mitigate erosion.
 - *Drainage Patterns:* Natural drainage patterns on the site should not be substantially altered such that additional drainage is directed towards the waterbody.
- A permit is required from MVCA for any potential future alterations to the shoreline of the lake, pursuant to Ontario Regulation 41/24.

A review fee of \$205 applies. We note that is a 50% reduction in MVCA's fee. Please provide billing address details.

Regards,
Diane Reid



6648 Road 506 Plevna, Ontario K0H 2M0
www.northfrontenac.ca

Notice of Public Hearing
Application for Minor Variance
Clause 45(1) of the Planning Act
Section 3, O.Reg. 200/96

File No.: #A06/24

**Subject Land: Part of Lot 19, Concession 10, Geographic Township of Clarendon
(1112 Elizabella Lane)**

Applicant(s): Robert and Heather Laliberte

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **June 24, 2024, at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

Purpose and Effect under Section 45(1):

The Applicants are applying for relief from Sections 3.27 and 4.9.3 of By-law #55-19, the Zoning By-law. Section 3.27 (e) and Section 4.9.3 (a) provides that all structures shall be setback from the high-water mark of all waterbodies a minimum of 30 metres.

The Applicants are proposing to construct a dwelling with a building area of 1310 square feet, with an attached deck (28 feet by 10 feet) on the north side of the dwelling. The total area of the proposed structure will be 1590 square feet.

The proposed setback of the structure is a minimum of 75 feet from the high-water mark of Kashwakamak Lake.

Submissions: Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Deputy Clerk at deputyclerk@northfrontenac.ca

Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

Public Hearing: You are entitled to attend this public hearing in person; or by electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at deputyclerk@northfrontenac.ca; or call (613) 479-2231 or 1-800-234-3953 ext. 231.

Additional Information: Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

Notice of Decision: If you wish to be notified of the decision of the Committee in respect of the proposed planning application, you must make a written request to the undersigned.

Appeal: If a "specified person" or "public body" as defined in the Planning Act files an appeal of a decision of the Committee of Adjustment in respect of the proposed planning application has not made a written submission or provide comments to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

Notice of Collection: Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions, and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

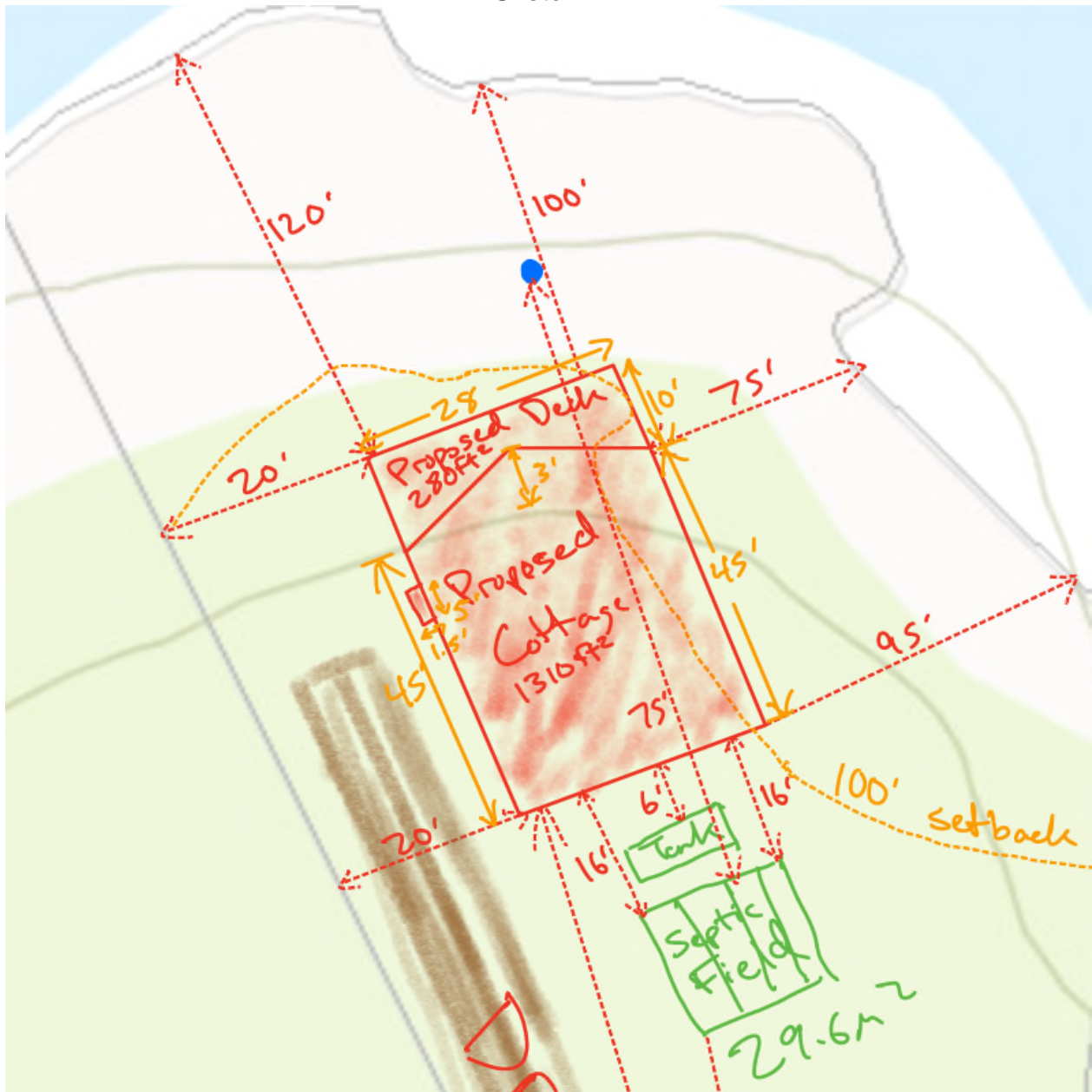
Dated at Plevna, Ontario this 24th day of May 2024.

Tara Mieske, Clerk/Planning Manager
Township of North Frontenac
Email: clerkplanning@northfrontenac.ca

Key Map



Sketch





Planning Report

To: Members of Committee of Adjustment

Prepared By: Michael Kelly, Community Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager, Community Planning, County of Frontenac

Re: Application for Minor Variance to the Waterbody Setback

Address: 1112 Elizabella Lane

Legal Description: Part Lot 19, Concession 10, Geographic Township of Clarendon

File Number: A06/24 (Laliberte)

Owner(s): Robert and Heather Laliberte

Applicant(s): Same as Owners

Date Prepared: June 18, 2024

Date of Public Meeting: June 24, 2024

Recommendation:

That the Committee of Adjustment for the Township of North Frontenac receive comments from the public, and subject to any issues being raised at the public meeting, approve this application for minor variance subject to the conditions outlined in Appendix A of this report.

Proposal:

The applicants are proposing to construct a new dwelling with an area of 121.7 square metres (1,310 square feet), with an attached 26 square metre (280 square foot) uncovered and unenclosed deck to be located on the north side of the dwelling. The

total area of the proposed structure will be 147.7 square metres (1590 square feet). The structure is proposed to be setback a minimum of 22.8 metres (75 feet) from the high-water mark of Kashwakamak Lake.

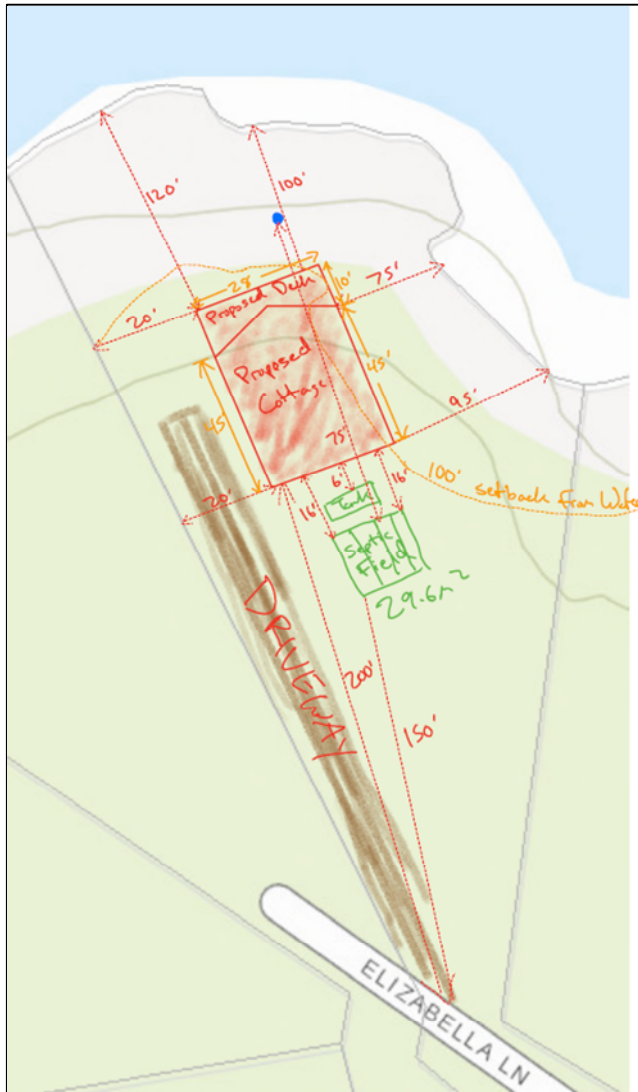


Figure 1: Revised site plan submitted by applicant (drawing is not to scale)

Minor variance from the zoning by-law is required to permit the proposed development for the following reasons:

Variance 1: Section 4.9.3 (a) of the zoning by-law states that all structures must adhere to a minimum 30 metres (98.4 feet) Front Yard Setback (with shoreline frontage). This application seeks to reduce the require setback to 22.8 metres (75 feet). This represents a variance of 7.2 metres (23.4 feet).

Variance 2: Section 3.27(e) requires all structures to be located a minimum of 30 meters (98.4 feet) from the high-water mark of a waterbody. This application seeks to reduce the required setback to 22.8 metres (75 feet). This represents a variance of 7.2 metres (23.4 feet).

Existing Development

- The land is currently vacant, except for a utility trailer stored onsite.
- A large armour stone retaining wall was erected on the site by the property's previous owners.
- An existing well and Class 4 septic system were constructed onsite in August of 2023.

Background Information

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	0.99 hectares (2.45 acres)
Existing road frontage and access	Approximately 18 metres (59 feet) on Elizabella Lane (Private Road)
Waterfront	Approximately 79 metres (259 feet) on Kashwakamak Lake.
Natural heritage features	Shoreline vegetation is mostly intact.
Surrounding land uses	The lot is bordered by waterfront residential properties of similar size to the east and west, Kashwakamak Lake to the north and larger in-land parcels to the south.

Pre-application Consultation:

The property owner consulted with Township and County planning staff prior to the submission of this application.

Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, at least 10 days in advance of the public meeting.

Comments

Mississippi Valley Conservation Authority (MVCA)

This proposal was circulated to Mississippi Valley Conservation Authority. In comments dated June 17, 2024 MVCA staff recommended that the applicant consider the completion of a slope stability study on the armour stone retaining wall on the property.

However, MVCA staff acknowledge that the regulated area of the MVCA only extends to the shoreline of Kashwakamak Lake and as such no works are proposed that require written permission from MVCA. As such the MVCA cannot require that that applicant perform a slope stability study. MVCA recommends that if the proposal is approved that the applicant implements the following mitigation measures:

1. In accordance with the provisions of the relevant Municipal Zoning By-law, the existing vegetation along the shoreline shall be retained, with the exception of the allowable clearing for water access. This effort will help to mitigate the effects of erosion on the shoreline. We also recommend that the vegetation on the slopes be retained in their entirety, in order to mitigate erosion and impacts on the stability of the slopes.
2. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is directed towards the slopes and waterbody.

Planning staff would like to note that the retaining wall was constructed on the subject property by previous owners. In 2017 there was a by-law complaint received regarding the construction of this wall. At that time, it was determined that there was no violation of the Township zoning by-law. The complaint was also forwarded to MVCA in 2017 for their review. At that time MVCA advised that the property is not regulated by MVCA, and no permits or approvals are required for development, including site grading and the placement or removal of material on the subject lands. Per the received comments MVCA regulations apply only to the shoreline of Kashwakamak Lake.



Figure 2: Photo showing the retaining wall on the subject property.

Township of North Frontenac Building Department

Due to concerns expressed by MVCA staff regarding the stability of the retaining wall, planning staff requested further information from the building department on construction and engineering requirements. Email comments dated June 17, 2024 stated that there is no requirement for a building permit under Ontario Building Code for the construction of this loose stone packed retaining wall. At the time of the issuance of a building permit for the construction of the proposed dwelling, there may be a requirement for the completion of a compaction test prior to the installation of the footings for the dwelling.

Septic Approval Authority (Township of North Frontenac)

As the onsite septic system is pre-existing and meets all setbacks, this minor variance application was not circulated to the Septic Approval Authority. Any potential upgrades which may need to occur would be evaluated and required at the time of building permit application.

Public Comments

No public comments have been received as of report finalization.

Conformity and Consistency with Policy Planning Documents

Applications for minor variance are required to be consistent with the Provincial Policy Statement, 2020 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposal is consistent with and conforms to the planning policies of all these documents.

The key policies of each document that are applicable to the subject application are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

North Frontenac Zoning By-Law Number 55-19

The subject property is zoned Limited Service Waterfront (LSW) in the Township of North Frontenac Zoning By-Law Number 55-19. The LSW Zone permits single detached dwellings and a variety of low-impact accessory uses.

Section 3.27(e) of the Zoning By-law requires all new structures or buildings to be located more than 30 metres (98 feet) from the highwater mark of a waterbody. This application seeks to reduce the require setback to 22.8 metres (75 feet). This represents a variance of 7.2 metres (23.4 feet).

The intent of the 30 metre (98.4 foot) waterbody setback is to provide a vegetative buffer between a development envelope and shoreline for the purpose of maintaining aquatic habitat, run-off filtration, and reducing visual impacts of development on the waterfront character of the area.

Due to the shape of the property, the slope of the property, the location of the septic tank and bed, and the presence of Elizabella Lane there are no other suitable locations for development that will be outside of the waterbody setback. The large retaining wall which was legally built on the property by the previous owners further restricts the development envelope on the property, but also serves to provide a firm barrier for any encroachment towards the water. No native vegetation removal is anticipated near the shoreline.

The proposal meets all other requirements of the zoning by-law and staff are satisfied that the request meets the intent of the zoning by-law.

Planning Analysis and Considerations

This application was reviewed against the policies of the Provincial Policy Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official

Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

Waterfront Character

The cottage is proposed to be built in an area where it will be largely screened from surrounding areas, including from the lake, by natural vegetation. County planning staff do not anticipate any major impacts on the visual character of the waterbody as a result of this application.

Sewage Disposal System Services

Planning Staff reviewed the site plan and the submitted septic permit which indicated that the existing system meets all required zoning by-law and Ontario Building Code setbacks. As all setbacks are met, the application requires no planning approvals from a septic perspective.

Minimum Distance Separation

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property.

Natural Hazards

The entire property and surrounding area are characterized by a sloping landscape that descends down toward the water. As discussed in the Comments section above, the previous property owners constructed a retaining wall on the property. MVCA comments expressed concerns that this retaining wall may be unstable and recommended that the municipality request a slope stability study to evaluate the retaining wall. However, MVCA comments also stated that the property is not within the Conservation Authority's Regulated Area, and as a result the applicant can not be required to carry out a slope stability study.

The cottage is proposed to be constructed as far as reasonably possible from the retaining wall given the shape and topography of the lot as well as the location of the septic system.

Based on the information provided in the technical review of this application it is the opinion of planning staff that the applicant should not be required to provide a slope stability study at this stage. If any concerns with the stability of the retaining wall are discovered in the future, then studies may be required at the building permit stage at the discretion of the Chief Building Official.

Minor Variance

Under Section 45(1) of the *Planning Act* a minor variance application must meet all of the four tests of minor variance. The four tests are:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent and purpose of the Zoning By-law?
4. Does the application conform to the general intent and purpose of the Official Plan?

Planning staff are of the opinion that the proposed minor variance to permit a reduction to the waterbody setback meets the four tests of minor variance for the following reasons:

1. Is the application minor?

County planning staff are of the opinion that the proposed waterbody setback reduction is minor in the context of the constrained nature of the property. The curve of the shoreline area as well as the narrowing of the property towards the rear lot line restricts the developable area on the property. The property features a sloped topography which extends from the rear down to the shoreline, the cottage is proposed to be constructed on the flattest area that also maximizes its distance from the water and the armour stone retaining wall.

Based on County staff observations, the locations of the retaining wall and septic system, the topography of the property, and discussions with the property owner, the location chosen for the cottage is the most practical. The proposed location maximizes the setback from the water to the greatest extent possible while still maintaining an adequate distance from the traveled portion of Elizabella Lane.

2. Is the application desirable for the appropriate development of the lands in question?

The lot is currently vacant apart from a small utility trailer on site. The proposed construction of a cottage is in keeping with the existing rural waterfront residential character of the adjacent properties. The proposal does not require any removal of existing shoreline vegetation or any alteration to the shoreline as it currently exists. Further, the proposal is for a single detached dwelling (cottage) which is a permitted use in the Limited Service Waterfront (LSW) zone. Due to these factors, County planning staff are of the opinion that the proposed development is desirable and appropriate for the subject property.

3. Does the application conform to the general intent and purpose of the Zoning By-law?

The purpose of the 30 metre (98 foot) waterbody setback for any new structure is to ensure that the shoreline and waterbody is adequately protected and impacts from development are mitigated by a vegetation buffer that helps to filter run off, provide habitat for aquatic species, and minimize visual impact of development.

The proposed development will be located as far from the water as is feasible given the constraints of the property without requiring extensive alterations to the current topography of the property.

County planning staff are of the opinion that the proposed development conforms to the general intent and purpose of the Zoning By-law.

4. Does the application conform to the general intent and purpose of the Official Plan?

The intent of the Waterfront Area policies of the Township Official Plan are to ensure that development can occur without a significant impact on shoreline quality, shoreline character, and health of the waterbody.

County planning staff are of the understanding that one of the key concerns with waterfront development is the nitrogen and phosphorus that originate from sewage disposal systems. The septic system on the property is located far enough from the shoreline that no adverse impacts are expected. The existing septic system is expected to be able to accommodate the needs of the new construction with no adverse impacts on the system or the property.

The development will not result in shoreline vegetation removal which provides a visual and ecological buffer between all development on this property and the waterbody.

The Official Plan also directs development away from natural hazards such as steep slopes and areas prone to erosion. Based on MVCA comments there are no features on this property which meet the requirements to be regulated as natural hazards.

As a result, County planning staff are of the opinion that the proposed development conforms to the general intent and purpose of the Township Official Plan.

Recommendation

Subject to any comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve application A06/24, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

Attachments

Attachment 1 - Applicant Site Plan

Appendix A: Draft Conditions of Approval

Note: Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

Recommended Conditions for Application A06/24 (Laliberte)

Applicability

1. That the Minor Variance granted through application A06/24 is only to construct a new 121.7 square metre (1,310 square foot) cottage with attached 26 square metre (280 square foot) deck located approximately 22.8 metres (75 feet) from Kashwakamak Lake.
2. This Minor Variance does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any future structures.

No Adverse Impacts

3. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

Building Permits

4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.
5. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

Construction Method

6. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place

and in good working order until all disturbed areas have been stabilized and re-vegetated.

7. All excavated material and accumulated sediment along sediment control measures shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
8. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.

Appendix B: Relevant Planning Policy

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS, which requires the approval authority to apply the relevant policies of the following sections:

- Section 1: Building Strong Healthy Communities of the PPS promotes the building of healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the PPS.

The following policies are applicable to this application:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c).
- Permitted uses on rural lands include residential development that is locally appropriate (Section 1.1.5.2.c).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 1.1.4.1.a).
- Promoting development that is compatible with the rural landscape and can be sustained by rural service levels (Section 1.1.5.4).

- Natural features and areas shall be protected for the long term (Section 2.1.1).
- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 3).

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

Township of North Frontenac Official Plan (2017)

The property is designated as Waterfront Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

- Section 2.3.8 direct all new development away from areas of natural and human hazard. This includes steep slopes and erosion hazards.

- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the density of buildings and structures in the Waterfront Area is an important part of protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.
- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.
- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses.
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.
- Section 4.10.8 (A)(vi) allows existing lots of record and lots in existing and approved Plans of Subdivision to be developed under strict conditions where a proponent can demonstrate there will be no impacts on lake water.



24-NF-MV

June 17, 2024

Tara Mieske
Secretary-Treasurer
Township of North Frontenac
P.O. Box 97
Plevna, Ontario K0H 2M0

Dear Ms. Mieske:

**Re: Minor Variance Application #A06/24
Part Lot 19, Con 10, Township of North Frontenac (Clarendon)
1112 Elizabella Lane
LALIBERTE**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Hazard issues. The scope of the natural hazards review includes flooding, erosion, wetlands, unstable slopes and unstable soils.

PROPOSAL

According to the notice, *The Applicants are proposing to construct a dwelling with a building area of 1310 square feet, with an attached deck (28 feet by 10 feet) on the north side of the dwelling. The total area of the proposed structure will be 1590 square feet. The proposed setback of the structure is a minimum of 75 feet from the high-water mark of Kashwakamak Lake. We also note that a new septic system is proposed on the roadside of the proposed dwelling.*

PROPERTY CHARACTERISTICS

The subject property has frontage on Kashwakamak Lake. Based on a site visit, as well as a review of MVCA mapping, slopes are present on the subject property that are steeper than 3:1 and higher than 3 m. The proposed dwelling is located in close proximity to the crest of one of these slopes (approximately 7m). This slope consists of imported material, that we understand was placed by the previous property owner. Based on MVCA's on-site measurements, the slope is slightly shallower than 1:1 (h:v) and roughly 4 m high. To our knowledge, a slope stability assessment was not conducted.

REVIEW

Natural Hazards (Advisory)

The objective of MVCA's natural hazards review is to ensure that the control of *flooding* and *erosion* are not impacted by development. This includes the flood plain and impacts to wetlands, watercourses, slope stability, and unstable soils. For the subject property, the **lake and slopes** are relevant to MVCA's advisory review.

Erosion Hazard (Slopes)

It is provincial policy that: *Development shall generally be directed to areas outside of hazardous lands adjacent to a stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (Provincial Policy Statement 2020, Section 3.1.1.b). The document entitled *Understanding Natural Hazards* (Ministry of Natural Resources, 2001) was prepared as a guide to identify and provide direction and methods to address these hazards. As per the guide, *Erosion hazards* include slopes which have the potential for erosion and/or instability due to their steepness and height i.e. steeper than 3:1 and higher than 3m.

As previously indicated, the proposed dwelling is located in close proximity to a slope that is steeper than 3:1 and higher than 3 m. Based on MVCA's calculations, the proposed dwelling is not located a sufficient distance from the crest of this slope to be considered safe. In reference to provincial guidance, there are two options to demonstrate/calculate a safe development setback from an *Erosion Hazard*, as follows:

- a. **Locate new development outside of the Erosion Hazard Limit**, as calculated using the following inputs: Toe erosion allowance (15 m from lake) + stable slope allowance (3 x slope height) + erosion access allowance (6 m). In order to comply with this calculated setback, MVCA has estimated that the proposed development would have to be relocated to the rear section of the lot (see attached image with the red dashed line and star); OR
- b. as determined by a **valid study** (i.e. Slope Stability Assessment), conducted by an Engineering Firm.

Waterbody

The subject property has frontage on Kashwakamak Lake.

MVCA considers both direct and indirect impacts to waterbodies/watercourses, within the context of flooding and erosion. Impacts are not anticipated if minimum waterbody setback requirements (as stipulated by the municipality), and mitigation measures designed to prevent erosion are adhered to. Overland flow and surface runoff, wave and ice movement are commonly associated with shoreline erosion. In order to mitigate these effects, MVCA recommends meeting minimum waterbody setback requirements and the retention of vegetated buffers. Naturalized shorelines with an abundance of vegetation provide erosion protection by assisting with the mitigation of surface runoff. In addition, the root system of vegetation binds the soil, to further mitigate erosion.

MVCA Ontario Regulation 41/24 (Regulatory)

Pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any alterations to the shoreline of Kashwakamak Lake.

It is our understanding that no works are proposed that require written permission from MVCA.

RECOMMENDATIONS AND CONCLUSIONS

Based on the above, we recommend consideration to MVCA comments regarding the identified Erosion Hazard. If the applicant chooses to have a Slope Stability Assessment conducted, the assessment should consider the man-made rock slope, as well as the underlying native slope. Following is a link to a terms of reference, prepared by MVCA: <https://mvc.on.ca/wp-content/uploads/2022/02/External-Slope-Stability-Checklist-FINAL.pdf>.

MVCA also recommends the following mitigation measures:

1. In accordance with the provisions of the relevant Municipal Zoning By-law, the existing vegetation along the shoreline shall be retained, with the exception of the allowable clearing for water access. This effort will help to mitigate the effects of erosion on the shoreline. We also recommend that the vegetation on the slopes be retained in their entirety, in order to mitigate erosion and impacts on the stability of the slopes.
2. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is directed towards the slopes and waterbody.

NOTES

A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

The applicant should be advised that, pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any alterations to the shoreline of the lake.

We advise consultation with Fisheries and Oceans Canada (DFO) [Projects near water \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca) prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.


Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

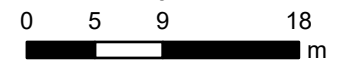
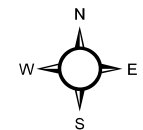
Yours truly,



Diane Reid
Environmental Planner

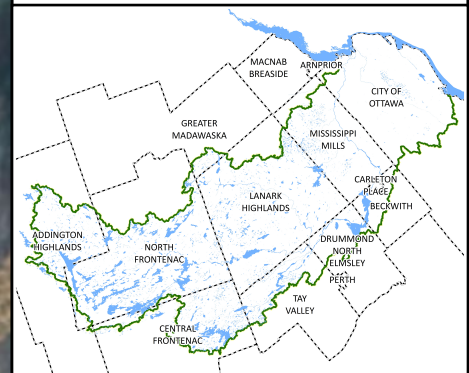
Legend

 Parcels - Assessment



Scale: 1:500

Projection: NAD 1983 UTM Zone 18N



This map is produced in part with data provided by the Ontario Geographic Data Exchange under License with the Ontario Ministry of Natural Resources and the Queen's Printer for Ontario, 2024



Elizabella Lane