

Committee of Adjustment Agenda

1:00 PM - Monday, May 27, 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) May 27, 2024

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

4. Disclosure of Pecuniary Interest and General Nature Thereof

5. Delegations

None.

6. Adoption of Minutes

- a) Minutes of Meeting 3 - 8

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.

[February 26, 2024](#)

[March 25, 2024](#)

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 9 - 25
Registered Plan 13R-12020, Geographic Township of Miller (2053
Grindstone Lake Road) - Request for Permission to Expand Legal Non-
Complying Structure

[File #A02 24 - Hagerman](#)

- 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. 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) 26 - 33
[File #B02 - #B05, #A01 24 Gaylord](#)

11. Other Business

None.

12. Adjournment

- a) Adjournment of the Committee Meeting

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



Committee of Adjustment Minutes

1:00 PM - Monday, February 26, 2024
Council Chambers

Present: Carl Tooley, Chair; Garry Wood, Member (Electronic Participation); and Jim Ogilvie, Member

Also Present: Tara Mieske, Secretary/Treasurer; Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager; Sonya Bolton, Manager of Community Planning, County of Frontenac; Dmitry Kurylovich, Community Planner, County of Frontenac; and Councillor Roy Huetl, Council Liaison

1. Call to Order

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

2. Approval of Agenda

a) *February 26, 2024*

1-24 Moved by Committee of Adjustment Member Jim Ogilvie, Seconded by Committee of Adjustment Member Garry Wood

Be It Resolved That the Committee approves the Agenda dated February 26, 2024, as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

None declared.

4. Delegations

None.

5. Adoption of Minutes

a) *December 18, 2023*

2-24 Moved by Committee of Adjustment Member Jim Ogilvie, Seconded by Committee of Adjustment Member Garry Wood

Be It Resolved That the Committee adopts the Minutes dated December 18, 2023 as circulated.

Carried

6. Business Arising Out of Minutes

None.

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

None.

8. Consent Applications

None.

9. Minor Variance Applications

- a) ***File #A09/23 - Part of Lot 32, Concession 5, Geographic Township of Palmerston - Minor Variance for reduced setback from high water mark of Palmerston Lake and reduced setback from private lane for an accessory structure***

Carl Moulds, Applicant, was present for the hearing.

Dmitry Kurylovich, Community Planner, provided an overview of the application. He advised the applicant was proposing to construct a 384 square foot garage with a setback of 64 feet from the high water mark of Palmerston Lake and a setback of 8.50 feet from Young Lane. Kurylovich advised a Minor Variance application was required for a reduced setback from the private lane and the high water mark.

Kurylovich advised the property is currently developed with one storey dwelling with an area of 516 square feet and a setback of 46 metres from the lake; and a shed with an area of 216 square feet. He noted the property is fairly sloped towards the water, with a width of approximately 30 metres on one side, making it challenging to meet the required setbacks in the Zoning By-law.

Kurylovich advised the application was provided to the Ministry of Environment, Conservation and Parks (MECP) for review, as Palmerston Lake is designated a Lake Trout Lake (not at capacity). He noted MECP had no issues with the proposed development. Kurylovich advised North Frontenac Chief Building Official reviewed the site plan and advised the development complies with required setbacks under the Ontario Building Code between structures and septic systems.

Kurylovich advised a slope stability assessment was submitted due to the proximity of the garage to the crest of a steep slope. He advised Mississippi Valley Conservation Authority (MVCA) conducted a peer review of the assessment and advised the assessment demonstrated the proposed development will not impact the integrity of the slope. He noted MVCA recommended approval of the application, subject to the conditions included in the planning report.

Kurylovich noted a neighbour provided comments in support of the application. He advised that, due to the width of the lot, no development envelope appears to exist

outside the required setbacks. He advised the proposed structure will provide additional storage space; the existing structures are modest in size; and there will be no removal of shoreline vegetation during the construction. He advised the application meets the four test of a Minor Variance and recommended approval subject to the conditions included in the planning report.

Tooley advised he attended the site on June 14, 2023 and the required marking cards were posted at that time. He recommended approval of the application, subject to the conditions included in the planning report.

3-24 Moved by Committee of Adjustment Member Garry Wood, Seconded by Committee of Adjustment Member Jim Ogilvie

Be It Resolved That Planning Application File #A09/23 – Application for Minor Variance – Carl Moulds, 1104 Young Lane - 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 March 8, 2024.

Carried

10. Other Business

- a) ***Site Visit Policy***
- b) ***Delegated Authority for Undisputed Consents***
- c) ***March 25, 2024 - Training for Decision Makers for Planning Applications***
- d) ***2024 OACA Conference June 2-5, 2024***

11. Adjournment

- a) ***Adjournment of the Committee Meeting***

4-24 Moved by Committee of Adjustment Member Garry Wood, Seconded by Committee of Adjustment Member Jim Ogilvie

Be It Resolved That the meeting adjourns at 1:55 p.m. until March 25, 2024, at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary/Treasurer



Committee of Adjustment Minutes

2:00 PM - Monday, March 25, 2024

Council Chambers

Present: Carl Tooley, Chair; Garry Wood, Member; Jim Ogilvie, Member (Electronic Participation); and Brent Smith, Alternate Member

Also Present: Tara Mieske, Secretary/Treasurer; Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager; Sonya Bolton, Manager of Community Planning, County of Frontenac; Jennie Kapusta, Community Planner, County of Frontenac; Mike Kelly, Community Planner, County of Frontenac, Tony Fleming, Solicitor, Cunningham Swan (Electronic Participation); Councillor Fred Fowler, Councillor Vernon Hermer (Electronic Participation); Councillor Roy Huetl, Council Liaison; Councillor Stephanie Regent (Electronic Participation); Don Reed, Chief Building Official; and Sonia McLuckie, Administrative Assistant to the Clerk/Planning Manager

1. Call to Order

The Chair called the meeting to order a 2:00 p.m.

2. Approval of Agenda

a) *March 25, 2024*

5-24 Moved by Committee of Adjustment Member Garry Wood, Seconded by Committee of Adjustment Brent Smith

Be It Resolved That the Committee approves the Agenda dated March 25, 2024, as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

None declared.

Note: Jim Ogilvie, Member, joined the meeting electronically at this time.

4. Closed Session

a) *Closed Session*

6-24 Moved by Committee of Adjustment Member Garry Wood, Seconded by Committee of Adjustment Brent Smith

Be It Resolved That the Committee retires to Closed Session at 2:00 p.m. to receive education and training, as per Section 239 (3.1) of the Municipal Act.

Carried

5. Adjournment

a) *Adjournment of Meeting*

7-24 Moved by Committee of Adjustment Member Garry Wood, Seconded by Committee of Adjustment Member Jim Ogilvie

Be It Resolved That the meeting adjourns at 4:55 p.m. until April 22, 2024 at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary/Treasurer



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.: #A02/24

Subject Land: Part of Lots 4 and 5, Concession 11, Part 6 on Registered Plan
13R-12020, Geographic Township of Miller
(2035 Grindstone Lake Road)

Applicant(s): Peter Hagerman

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **May 27, 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 remove the following structures:

- A one storey cottage with an area of 1024 square feet and a setback of 31 feet from Grindstone Lake;
- A bathhouse with an area of 224 square feet and a setback of 68 feet from Grindstone Lake; and
- A storage shed with an area of 99 square feet within the 30 metre setback from the shoreline of Grindstone Lake.

The Applicant is proposing to construct a one storey dwelling, including a walk out basement, with an area of 1850 square feet and a setback of 98 feet from the high water mark of Grindstone 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 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.

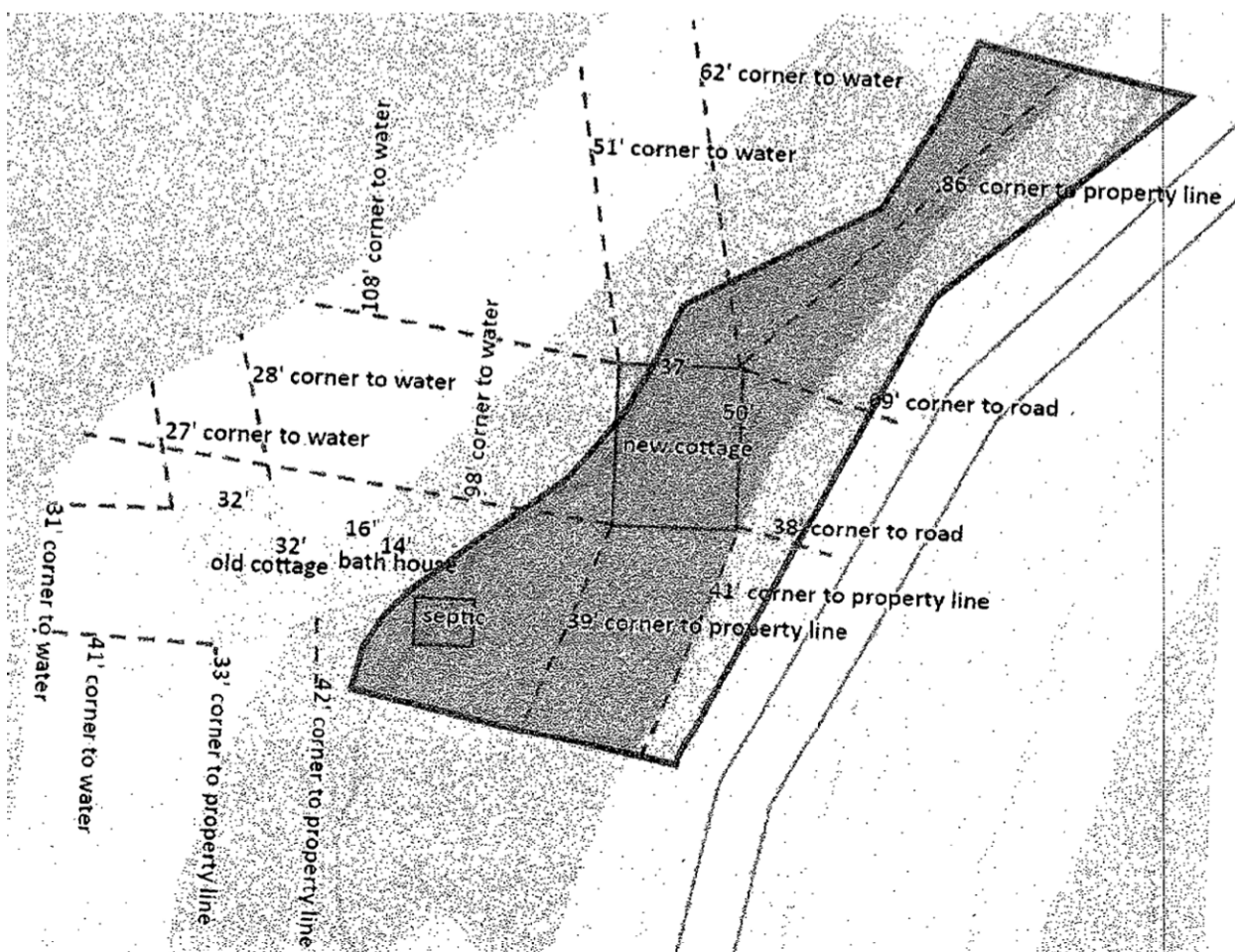
Dated at Plevna, Ontario this 23rd day of April 2024.

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: 2035 Grindstone Lake Road

Legal Description: Part Lot 4, Concession 11 and Concession 11, Geographic Township of Miller

File Number: A02/24 (Hagerman)

Owner(s): Peter Hagerman

Applicant(s): Same as Owner

Date Prepared: May 17, 2024

Date of Public Meeting: May 27, 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:

- Demolish the existing dwelling and construct a new single storey dwelling, with walkout basement. This new structure will have a footprint of 171.9 square

metres (1,850 square feet) including attached deck. This structure will have a minimum waterbody setback of 15.5 metres (51 feet).

- Utilize the existing septic system to service the new dwelling. Consultation with the Township of North Frontenac Building Department confirmed the suitability of the existing system to service the new dwelling.
- Demolish and/or relocate to another property the existing bath house and storage shed.
- Retain the existing sleep cabin in its current location. No alterations are proposed to this structure.

Existing Development

- A one storey 95.1 square metre (1,024 square foot) dwelling located approximately 8.3 metres (27 feet) from the highwater mark of Grindstone Lake,
- A 9.3 square metre (100 square foot) sleep cabin located approximately 15.3 metres (50 feet) from the highwater mark of Grindstone Lake,
- A 9.2 square metre (99 square foot) storage shed (to be removed),
- A 20.8 square metre (224 square foot) bath house (to be demolished), and
- A Class 4 sewage disposal system installed in 2001 located approximately 21.3 metres (70 feet) from the highwater mark of Grindstone Lake.

Background Information

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	0.11 hectares (0.26 acres)
Existing road frontage and access	Approximately 110 metres (361 feet) on Grindstone Lake Road
Waterfrontage	76 metres (250 feet) along Grindstone Lake

Information Category	Response
Natural heritage features	Grindstone Lake. No other mapped natural heritage features.
Surrounding land uses	Developed waterfront residential lots along the shoreline of Grindstone Lake, with larger naturally vegetated parcel inland.

The existing dwelling is located entirely within the Township owned Shore Road Allowance (SRA) similar to many other older cottages along the shoreline of Grindstone Lake. The property owner would not be permitted to obtain a building permit for any work on the existing cottage as it is not located on lands they own. The property owners have applied to the Township of North Frontenac to purchase the SRA between their property and Grindstone Lake. The location of the reconstructed dwelling places one corner across the existing lot line between the subject property and the SRA.

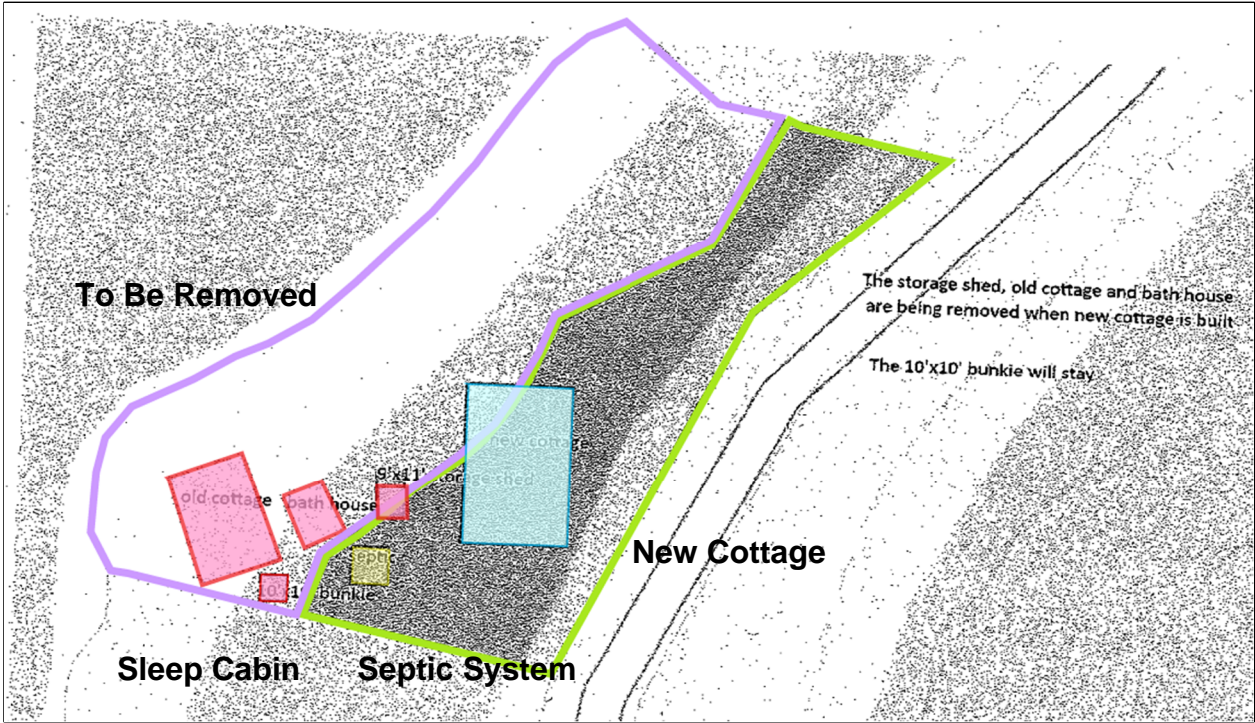


Figure 1: Applicant submitted plot plan showing the existing (red) and proposed structures (blue), septic system (yellow), along with the current property boundary (green outline) and Shore Road Allowance (purple outline).

Planning staff would like to note that any approval granted through this application will be subject to the completion of the of the purchase of the SRA from the Township and the addition of these lands to the subject property.

Pre-application Consultation:

The property owner consulted with Township, County, and Mississippi Valley Conservation Authority planning staff prior to the submission of this application. Planning staff conducted a site visit 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 May 15, 2024 indicated no objection to this application as proposed.

Based on MVCA analysis the slope on the subject property (in the area of the proposed dwelling) is not as steep as 3:1, and therefore, is not considered to be a potential erosion hazard. No shoreline works are proposed through this application and as such written permission is not required from MVCA for this application.

Septic Approval Authority (Township of North Frontenac)

During the pre-application consultation process the building department reviewed the documents detailing the existing on-site septic system and compared them to the details on the proposed new dwelling. As a result of this review, it was determined that there would be no need to enlarge/upgrade the septic system to serve the new larger dwelling 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 (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.

The LSW zone permits a maximum lot coverage of 15 percent and a minimum waterbody setback of 30 metres (98 feet) for the principal structure within 60 metres (200 feet) of the shoreline. The lot coverage proposed by this application equals 15 percent based on the existing lot area, which complies with the provisions of the Zoning by-law. As noted above, the property owner is in the process of purchasing the Shore Road Allowance from the Township. This will increase the total lot area and reduce the percentage of lot coverage for the new dwelling.

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 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 proposed reconstructed dwelling will be located 7.3 metres (24 feet) farther from the high-water mark of Grindstone Lake than the existing dwelling. Allowing an opportunity to revegetate the area in proximity to the shoreline.

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 reconstructed and enlarged dwelling will not result in any adverse impacts on the character of the waterfront or adjacent land uses. The new dwelling will be farther from the shoreline than the existing dwelling and is in keeping with the character of other developed waterfront lots in the vicinity.

Sewage Disposal System Services

As noted in the Comments section above, the existing on-site sewage system is sufficiently sized to accommodate the reconstructed and 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 structures and at a greater setback than the existing structures.

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

No regulated natural hazards were identified by the Mississippi Valley Conservation Authority (MVCA). The slope on the property does not meet the criteria for an erosion hazard.

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 reconstructed cottage will be located farther from the shoreline of Grindstone Lake than the existing dwelling. There is no shoreline vegetation proposed to be removed through this application, and the relocation of the dwelling will allow an opportunity to add additional vegetation in proximity to the lake.

The enlarged dwelling will not exceed the lot coverage provisions of the Township Zoning By-law, and the addition of the Shore Road Allowance to the property will almost double the existing lot area.

This proposal also includes the removal of two accessory structures from the property, reducing the density of development on the property.

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 new dwelling will be located farther from the shoreline than the existing dwelling. There will be no loss of privacy or overlook to the abutting properties. The proposed development is in keeping with the existing character of development along the shoreline of Grindstone 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 A02/24, 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

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 A02/24 (Hagerman)

Applicability

1. That the permission granted through application A02/24 is only to:
 - a. Demolish the existing dwelling and construct a new single storey dwelling, with walkout basement. This structure will have a total footprint of 171.9 square metres (1,850 square feet) including attached deck(s). This structure will have a minimum waterbody setback of 15.5 metres (51 feet) from the high-water mark of Grindstone Lake.
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.

Shore Road Allowance

4. Prior to the issuance of a building permit for the dwelling detailed in Condition 1.a the property owner must complete the purchase, land transfer and consolidation of the Shore Road Allowance from the Township of North Frontenac.

Building Permits

5. 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.
6. 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

7. 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.
8. 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.
9. 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-RP

May 15, 2024

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

Dear Ms. Mieske:

**Re: Request for Permission– A02/24
Part Lots 4 & 5, Con 11, Township of North Frontenac (Miller)
2035 Grindstone Lake Road
HAGERMAN**

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 remove the following structures:*

- *A one storey cottage with an area of 1024 square feet and a setback of 31 feet from Grindstone Lake;*
- *A bathhouse with an area of 224 square feet and a setback of 68 feet from Grindstone Lake; and*
- *A storage shed with an area of 99 square feet within the 30 metre setback from the shoreline of Grindstone Lake.*

The Applicant is proposing to construct a one storey dwelling, including a walk out basement, with an area of 1850 square feet and a setback of 98 feet from the high water mark of Grindstone Lake.

PROPERTY CHARACTERISTICS

The subject property has frontage on Grindstone Lake. The proposed dwelling is located on sloping terrain. As per MVCA's on site measurement, the slope in the area of the proposed dwelling is less than 3:1 (h:v).

NATURAL HAZARDS REVIEW

Erosion Hazard

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 on-site analysis, the slope on the subject property is not as steep as 3:1, and is therefore, not considered a potential Erosion Hazard.

Waterbody

The subject property has frontage on Grindstone 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.

Given that the subject application complies with the minimum waterbody setback requirement, we do not anticipate any issues.

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 watercourses and waterbodies, and for any interference in, and within 30 m, an MVCA regulated wetland. The **shoreline of the lake** represents the MVCA regulated feature on the subject property.

It is our understanding that shoreline works are not proposed. Therefore, written permission is not required from MVCA for the subject application.

RECOMMENDATIONS & CONCLUSIONS

Based on the above, MVCA does not have any objections to the subject application.

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/projects-near-water) 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



Public Meeting 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 Three New Water Access Rural Lots, Mainland Parking and Boat Launching Access, and Permission to Expand a Legal Non-Complying Structure

Address: Vacant Water Access Property and 1628C Beach Road

Legal Description: Part Lot 1, Concession 3, Geographic Township of Barrie; Part Lot 34, Concession 14, Geographic Township of Clarendon

File Number: B02/24, B03/24, B04/24, B05/24, A01/24 (Gaylord)

Owner(s): Gaylord Family Properties Inc

Applicant: Same as owners

Date Prepared: May 16, 2024

Date of Meeting: May 27, 2024

Recommendation:

That the Committee of Adjustment for the Township of North Frontenac receive comments from the public and that a decision on the above noted applications **be deferred** until all outstanding technical concerns have been addressed to the satisfaction of the municipality.

Proposal:

Applications for consent to sever for the creation of three new water access rural lots on an existing vacant water access property (B02/24, B03/24, and B04/24), creation of an easement for parking and access (B05/24), and permission to expand a legal non-complying structure (A01/24) (refer to the Key Map in Attachment 1).

Proposed Severed Lot 1 (B02/24): The proposed lot will be approximately 2.12 hectares (5.25 acres) in area with 129 metres (423 feet) of frontage along both Sand Lake and Shawenegog Lake. The proposed severed lot is vacant with residential development anticipated.

Proposed Severed Lot 2 (B03/24): The proposed lot will be approximately 4.0 hectares (10 acres) in area with 104 metres (340 feet) of frontage along Sand Lake and 147 metres (480 feet) of frontage along Shawenegog Lake. The proposed severed lot is vacant with residential development anticipated.

Proposed Severed Lot 3 (B04/24): The proposed lot will be approximately 2.8 hectares (7 acres) in area with 213 metres (700 feet) of frontage along Sand Lake. The proposed severed lot is vacant with residential development anticipated.

Retained Parcel (B02/24, B03/24, B04/24): The retained parcel will be approximately 2.12 hectares (5.25 acres) in area with 124 metres (408 feet) of frontage along both Sand Lake and Shawenegog Lake. The retained parcel is vacant with residential development anticipated.

Consent application B05/24 has been submitted for the creation of an easement for a parking area and boat launching access on the mainland property municipally known as 1628C Beach Road. This parking and boat launching area is to be registered on title of the vacant water access property to facilitate the creation of the new water access lots described above. The parking area will contain eight (8) parking spaces (two for each proposed lot and the retained parcel) and a central turn-around area. The boat launching access to Sand Lake will be provided via an existing boat launching area on the subject property (1628C Beach Road).

Application A01/24 for permission to expand an existing legal non-complying structure on the property municipally known as 1628C Beach Road. The existing structure was constructed in 1995 as a residential dwelling. Over the years it has mainly been used for storage but is still considered to be a residential dwelling.

There was a covered but unenclosed deck located on the south side of the structure that was recently removed due to age and structural integrity concerns. The property owner is permitted to rebuild this unenclosed deck without additional planning permission to the extent of the roof overhang that remains in place.

There was an uncovered and unenclosed deck located at the east end of the structure, that was also recently removed due to age and structural concerns. This deck is also to be rebuilt, and the property owner is asking for permission to add a covering roof to this deck, similar to that which exists for the one on the south side of the structure.

On the west end of the existing structure, permission is being sought to construct a covered but unenclosed deck that will connect to the other two decks that are planned to be rebuilt.

Once all construction is completed (if approved) there will be a wrap around covered deck (porch) on three sides of the dwelling. This deck will not be enclosed with any screens, windows or walls. There is no increase in interior living space being proposed through this application for permission.

Background Information

Vacant Water Access Property

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	11.29 hectares (27.9 acres)
Existing road frontage and access	None
Water Frontage	561 metres (1,840 feet) on Sand Lake and 434 metres (1,425 feet) on Shawenegog Lake
Natural heritage features	Sand Lake, Shawenegog Lake and wetlands along the Shawenegog Lake frontage of the retained parcel
Existing development	None
Surrounding land uses	Large naturally vegetated parcels, both privately owned and Crown Land along the northern shores of Sand Lake and Shawenegog Lake. Smaller developed waterfront residential lots along the southern and eastern shorelines of Sand Lake and Shawenegog Lake.

1628C Beach Road

Information Category	Response
Official Plan designation	Waterfront Area

Information Category	Response
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	11.29 hectares (27.9 acres)
Existing road frontage and access	No road frontage, with shared right-of-way access from Beach Road
Water Frontage	561 metres (1,840 feet) on Sand Lake and 434 metres (1,425 feet) on Shawenegog Lake
Natural heritage features	Sand Lake, and wetlands along the southern portion of the property
Existing development	Cottage being used primarily for storage
Surrounding land uses	Large naturally vegetated parcels, both privately owned and Crown Land along the northern shores of Sand Lake and Shawenegog Lake. Smaller developed waterfront residential lots along the southern and eastern shorelines of Sand Lake and Shawenegog Lake.

Pre-application Consultation:

The applicant consulted with Township and County staff, as well as Mississippi Valley Conservation Authority 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 properties and mailed to all property owners within 60 metres of subject properties 14 days in advance of the meeting.

Comments

Mississippi Valley Conservation Authority (MVCA)

These applications were circulated to MVCA for a review of natural hazards. In support of applications B05/24 (parking easement) and A01/24 (structure expansion) on the developed mainland property the property owner submitted a Slope Stability

Assessment (SSA) completed by Cambium Inc., dated November 2023. This SSA was requested by MVCA following their site visit to the property during the pre-consultation process. The existing structure is located partway down the face of a steep slope, with the proposed parking area to be located on a plateau at the top of the slope. MVCA staff conducted a technical review of the submitted SSA, in December 2023. This technical review expressed no concerns regarding the SSA or the conclusion that the slope is stable and the proposed development will not negatively impact the stability of the slope.

Comments dated May 15, 2024 noted a concern with the steep slopes identified on the water access property (file numbers B02/24, B03/24, and B04/24) and recommended that a Slope Stability Assessment be completed to identify a suitable building envelope on each of the proposed new lots and the retained parcel.

Based on desktop exercise, MVCA's Mapping and Engineering team have assessed the subject (vacant water access) lots, in an effort to identify the limit of the Erosion Hazard associated with the identified steep slopes. MVCA staff noted that this analysis proved to be quite difficult due to the complexity of the topography. Notwithstanding, it was determined that all resulting lots had limited to no available area outside of Erosion Hazard limits for future development. Therefore, MVCA staff recommend the completion of a Slope Stability Assessment to conduct a site-specific assessment of a suitable building envelope on each of the proposed parcels.

MVCA regulated wetlands exist along much of the Shawenegog Lake frontage of the retained parcel.

Pursuant to Ontario Regulation 41/24, Prohibited Activities, Exemptions and Permits, written permission is required from MVCA prior to any interference within 30 metres of a regulated wetland; or for any alterations to the shoreline of waterbody. At this time no works are being proposed that would require written permission from MVCA.

Septic Approval Authority (Township of South Frontenac)

These applications were reviewed for septic suitability by the Township of South Frontenac as they were initially submitted in 2023 prior to the Township of North Frontenac assuming responsibility for septic review and permits in 2024.

Comments dated December 22, 2023 indicated no objections to any of the proposed new lots. Given their size, each of the proposed severed parcels are capable of providing flexibility in siting a sewage system, although soils found on the lots will require that additional suitable granular soil is imported. Specific soil requirements for each lot will be address when these properties are developed.

Public Comments

Several comments were received regarding the applications for the creation of the new water access lots (file numbers B02/24, B03/24, and B04/24), along with concurrently submitted application B05/24 for the creation of the mainland parking and boat launching area. These comments, as of the date of drafting this report, included the following concerns:

- Potential 'overburdening' of the private portion of Beach Road, and the impact increased traffic will have on the condition of the road. Opinion that to accommodate this additional traffic Beach Road should be brought up to the Township road standards, and the ownership and maintenance of the road be assumed by the Township.
- Concern that the existing Beach Road does not meet the minimum requirements for emergency services vehicle access and therefore cannot accommodate more traffic.
- The steepness of the slope on the driveway accessing the deeded parking area.
- Erosion concerns from locating and constructing the mainland parking area at the top of a steep slope in proximity to wetlands (at the bottom of the slope).
- Potential water navigation concerns resulting from the docking area that may be built to accommodate the boats used to access the lots.
- Archaeological potential due to historic Indigenous travel routes in the area between Sand Lake and Shawenegog Lake.
- Reduction in useable lot area on the mainland property as a result of the creation of the deeded parking area and boat launching access.

Conclusion

Planning staff are recommending that the Committee of Adjustment hear any comments from the public regarding the above noted applications and defer these applications until all technical concerns have been addressed to the satisfaction of the municipality. A recommendation report from County planning staff will be provided at a future meeting on all technical comments and reviews are complete.

Attachments

Attachment 1: Key Map



Legend

- Assessment Parcels
- Citations

1: 8,815



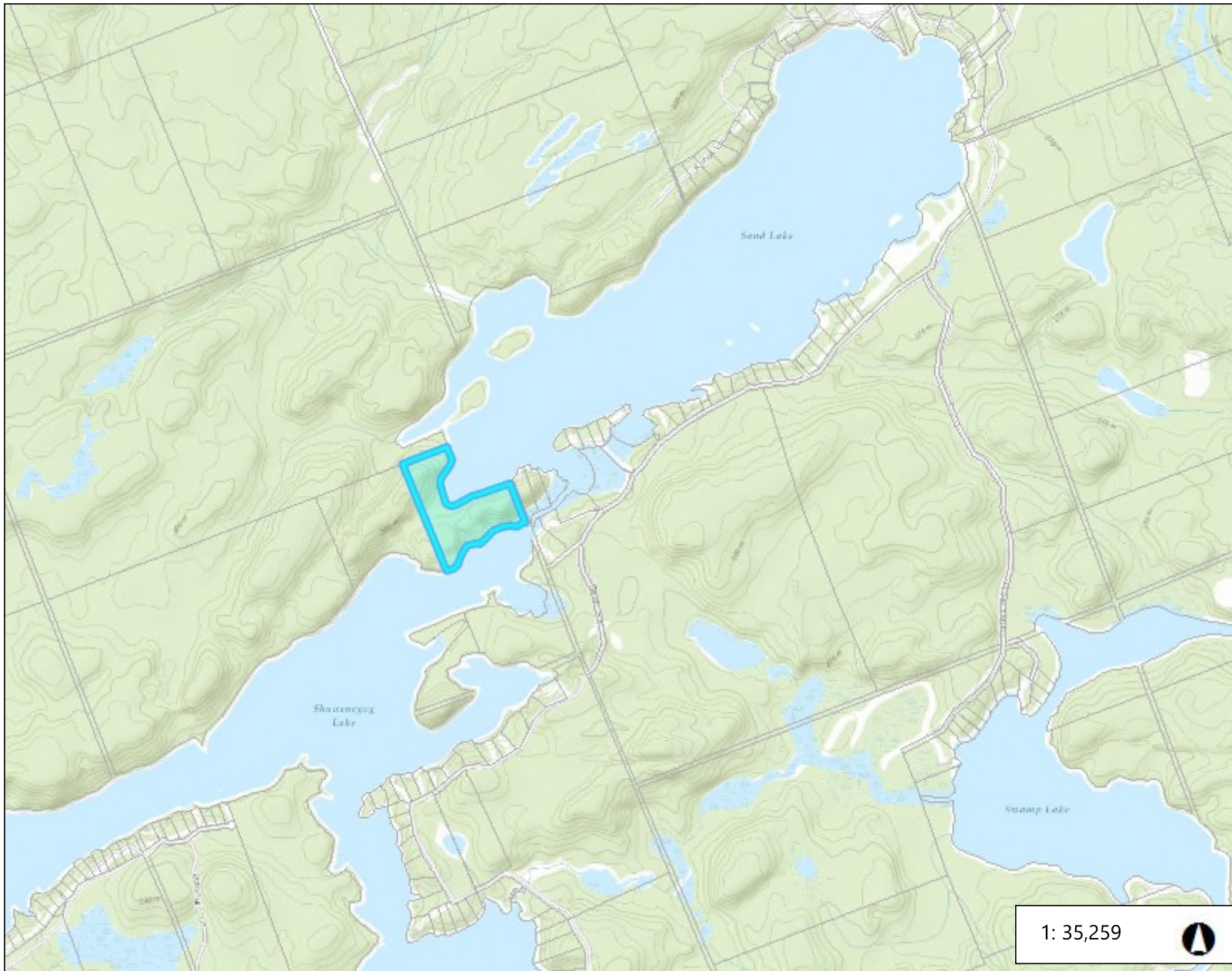
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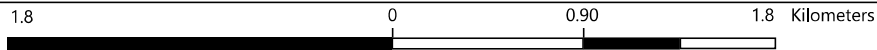
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Notes



- Legend**
- Assessment Parcels
 - Citations

1: 35,259



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Notes