

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT MEETING
AGENDA**

TIME: 7:00 PM,
DATE: Thursday, December 14, 2017
PLACE: Council Chambers.

1. Call to Order
 - a) Resolution
2. Adoption of Agenda
3. Declaration of pecuniary interest
4. Approval of Minutes – [November 9, 2017]
 - a) Resolution 3 - 11
5. New Consent Applications:
 - a) S-56-17-P - Brett and Lory Dark - Concession 12, Part Lot 1, 1138 Deer Park Lane, District of Portland - Consent to create a right-of-way 12 - 14
 - b) S-57-17-P - Neil Morey - Concession 14, Part Lots 3/4/5, Hinchinbrooke Road North, District of Portland - Consent to create a new residential lot 15 - 17
 - c) S-59-17-S - Kurt VonHausen - Concession 2, Part Lot 21, Round Lake Road, District of Storrington - Consent to create a new residential lot 18 - 20
 - d) S-60-17-L - Nigel Haynes - Concession 13, Part Lot 25, Burnt Point Lane, District of Loughborough - Consent to create a lot addition 21 - 26
6. New Minor Variance Applications:
 - a) MV-44-17-P - Suzanne Roberts - Concession 14, Part Lot 25, 1134 Mary Moore Road, District of Portland - Variance to permit construction of an accessory building in the front yard 27 - 29
 - b) MV-45-17-B - Ian Chinnery - Concession 10, Part Lot 9, 17 Orchard Lane, District of Bedford - Variance to permit additions to an existing structure within the 30 metre setback from water 30 - 33
 - c) MV-46-17-S - James Emmons - Concession 7, Part Lot 13, 3159 Harper's Bay Lane, District of Storrington - Variance to permit an addition to a dwelling within the 30 metre setback from water 34 - 39
 - d) MV-47-17-L - Randy Ruttan - Concession 11, Part Lot 22, Buck Lake, District of Loughborough - Variance to permit construction within the 30 metre setback from water 40 - 45
 - e) MV-48-17-B - Kurt Stouffer, Ronald Stouffer - Concession 12, Part Lot 4, 8420 Perth Road, District of Bedford - Variance to permit 46 - 51

construction of a dwelling within the 30 metre setback from water

- f) MV-49-17-B - Gloria Beach, Scott Duckworth - Concession 7, Part Lot 34, 301 Oak Bluffs Road, District of Bedford - Variance to permit construction of an accessory building in the front yard, variance to permit an increase in height of an accessory building 52 - 54

7. Other Business

8. Adjournment



TOWNSHIP OF SOUTH FRONTENAC
PLANNING DEPARTMENT



MINUTES 17:10
November 9, 2017

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: John Sherbino (Loughborough District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Jennie Kapusta – Deputy Secretary Treasurer

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Item #1: Call to Order

RESOLUTION: C of A: 17:10:01

Moved by: R. Sutherland

Seconded by: K. Gee

THAT the November 9, 2017 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Alan Revill in the Chair.

Carried

Item #2: Adoption of the Agenda

Approved as circulated

Item #3: Declaration of Pecuniary Interest

None declared

Item #4: Approval of Minutes

RESOLUTION: C of A: 17:10:02

Moved By: R. Sleeth

Seconded By: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the October 12, 2017 meeting of the Committee, as circulated.

Carried

Item #5: S-51-17-P (Jan Pacan)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of 15.95 +/- acres with frontage on Alton Road West. The lot is currently developed with a single detached dwelling and multiple detached accessory buildings. The proposal is for the creation of a 0.32 +/- acre lot addition, with 70 feet of frontage on Alton Road West, to 3648 Alton Road West (ARN 102908002003402). The retained parcel will be approximately 15.5 +/- acres in size. This proposed lot addition would increase the size of an existing undersized lot while maintaining sufficient size and road frontage on the retained parcel.

The planning department is able to support the application for the proposed lot addition.

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

The building department has no objections.

RESOLUTION: C of A: 17:10:03

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-51-17-P by Jan Pacan, to create a lot addition, in Concession 5, Part Lot 1, Alton Road West, District of Portland, subject to conditions.

Carried

Application No: S-51-17-P
Owner: Jan Pacan
Location of Property: Concession 5, Part Lot 1, Alton Road West, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-51-17-P shall be for the creation of a 0.32 +/- acre, maximum 70 feet of frontage on Alton Road West, lot addition only to 3648 Alton Road West (ARN 102908002003402).
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].

Item #6: S-52-17-B (McSorley)

Speaking to the Application: Joan McSorley

Discussion:

The subject land consists of 33 +/- acres (13.4 hectares) with frontage on McGowan Lane and Thirty Island Lake. The lot is currently vacant. The proposal is for the creation of a 2.1 +/- acre lot addition, with frontage on McGowan Lane and Thirty Island Lake, to 144 McGowan Lane (ARN

102902004006600). The retained parcel will be approximately 31+/- acres in size. This lot addition will increase the size of an existing undersized lot and regularize an oddly shaped larger lot. The planning department is able to support the application for the proposed lot addition. Quinte Conservation Authority has no objections to the proposed lot addition. Comments from KFL&A Public Health and Public Works were not required. The building department has no objections.

RESOLUTION: C of A: 17:10:04

Moved by: L. Redden

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-52-17-B by Joan McSorley, to create a lot addition, in Concession 3, Part Lot 6, McCowan Lane, District of Bedford, subject to conditions.

Carried

Application No: S-52-17-B
Owner: Joan McSorley
Location of Property: Concession 3, Part Lot 6, McGowan Lane, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-52-17-B shall be for the creation of a 2.1 +/- acre lot addition only to 144 McGowan Lane (ARN 102902004006600).
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
6. Prior to the stamping of the deeds, the applicant shall rezone the lot addition parcel from Rural (RU) to Limited Service Residential Waterfront (RLSW). Please see Planner Lindsay Mills to begin this process.

Item #7: S-53-17-P (Smith)

Speaking to the Application: None speaking

Discussion:

The subject land consists of 53 +/- acres (21.4 hectares) with frontage on Camden-Portland Boundary Road and Bradford Road. The lot is currently developed with a single detached dwelling, a detached accessory building and an agricultural building. The proposal is for the creation of two new residential lots, each would be approximately 4.9 acres in size. The proposed northern lot (S-53-17-P), with frontage only on Camden-Portland Boundary Road, would encompass an existing agricultural building on the property. The Township's Comprehensive Zoning By-law 2003-75 regulates properties between 3 acres and 25 acres in size under Section 5.41 Hobby Farm. At 4.9 acres in size the maximum number of animal units permitted by the zoning by-law is 2 animal units. The Ontario

Ministry of Agriculture, Food and Rural Affairs (OMAFRA) states that on properties with less than 5 animal units there is no requirement to complete a Minimum Distance Separation (MDS) calculation; as such no MDS calculation was needed for this severance application. There will be a condition that requires the registration of this lot prior to the stamping of the deeds for the southern lot, should the committee grant provisional consent to these applications. The proposed southern lot (S-54-17-P) has frontage on both Camden-Portland Boundary Road and Bradford Road.

The retained parcel will be approximately 43+/- acres in size and encompass the existing dwelling and detached accessory building.

The planning department is able to support the application for both the proposed lots.

Comments from Quinte Conservation Authority were not required.

Comments from KFL&A Public Health have yet to be received.

Public Works have no objections.

The building department has no objections.

RESOLUTION: C of A: 17:10:05

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-53-17-P by Robert Smith, to create a new lot, in Concession 6, Part Lot 18, Camden-Portland Boundary Road, District of Portland, subject to conditions.

Carried

RESOLUTION: C of A: 17:10:06

Moved by: L. Redden

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-54-17-P by Robert Smith, to create a new lot, in Concession 6, Part Lot 18, Camden-Portland Boundary Road, District of Portland, subject to conditions.

Carried

Application No: S-53-17-P, S-54-17-P
Owner: Robert Smith
Location of Property: Concession 6, Part Lot 18, Camden-Portland Boundary Road, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-53-17-P shall be for the creation of a 4.9 +/- acre lot with approximately 119 metres (391 feet) of frontage on Camden-Portland Boundary Road.
3. The land to be severed by Consent Application S-54-17-P shall be for the creation of a 4.9 +/- acre lot with approximately 115 metres (379 feet) of frontage on Camden-Portland Boundary Road and approximately 155 metres (510 feet) of frontage on Bradford Road.
4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.

5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of each parcel to be severed through consent applications S-53-17-P and S-54-17-P in lieu of parkland [Planning Act, s. 51(1)].
7. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for each of the parcels severed through consent applications S-53-17-P and S-54-17-P.
9. The lot to be created through consent application S-53-17-P must be registered prior to the stamping of the deed for the lot to be created through consent application S-54-17-P.

Item #8: S-55-17-P (Kerr)

Speaking to the Application: Everett Kerr

Discussion:

The subject land consists of 57.75 +/- acres (23.4 hectares) with frontage on Road 38 and Alton Road West. The lot is currently vacant. The proposal is for the creation of a new commercial lot with a minimum size of 2.0 acres and approximately 99 metres of frontage along Road 38. The retained parcel will be approximately 55 +/- acres in size.

The planning department is able to support the application for both the proposed lot.

Comments from Cataraqui Region Conservation Authority were not required.

Comments from KFL&A Public Health have yet to be received.

Public Works have no objections to the proposal but have indicated a specific location for the entrance to the proposed lot opposite to the existing entrance to Centennial Park Road. Further entrance and/or road upgrades will be evaluated during the rezoning and site plan process.

The building department has no objections.

There was discussion amongst committee members regarding entrance location and possible road upgrades that may be needed. These concerns will be addressed in detail at the rezoning stage once further information on the commercial development has been received.

RESOLUTION: C of A: 17:10:07

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-55-17-P by Everett and Joan Kerr, to create a new lot, in Concession 5, Part Lot 6, Road 38, District of Portland, subject to conditions.

Carried

Application No: S-55-17-P
Owner: Everett Kerr
Location of Property: Concession 5, Part Lot 6, Road 38, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create new commercial lot
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-55-17-P shall be for the creation of a minimum 2.0 acre lot with approximately 99 metres (326 feet) of frontage on Road 38.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 2% of the value of the parcel to be severed through consent application S-55-17-P in lieu of parkland [Planning Act, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

- 7. The applicant must submit a well driller’s report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent applications S-55-17-P.
- 8. Prior to the stamping of the deeds the applicant must rezone the lot to be created through consent application S-55-17-P from Rural (RU) to Urban Commercial (UC).

Item #9: MV-42-17-B (Verlinden, Brown)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of 1.06 +/- acres with frontage on Dairy Lane and Wolfe Lake. The property is currently developed with a single detached dwelling. The proposal is for the demolition of the existing building and the construction of a new dwelling with attached garage. The proposed dwelling, with attached decks and garage would have a total finished footprint of 3250 square feet and would be located a minimum of 30.6 metres from the high water mark of Wolfe Lake. The property is zoned Limited Service Residential Waterfront (RLSW) which permits a maximum of five percent lot coverage; based on the size of the property, this permits a maximum footprint for the principal dwelling of 2300 square feet. At 3250 square feet the total lot coverage would be seven percent rather than the permitted five percent. The reason for the request for an increase in lot coverage is to permit a fully accessible building based on minimum clearances required for wheelchair accessibility, as the applicants have a son with mobility issues. They have requested an attached garage, which increase the lot coverage of the principal building, to allow safe access to and from the building and into their vehicle for their son.

The Planning Department is able to support the application.

KFL&A Public Health have no objections to the proposal as the applicants have submitted an application for a new septic system which would accommodate the proposed structure.

Comments from Rideau Valley Conservation Authority and Public Works were not required.

The building department has no objections.

D. Hahn and R. Sutherland both stated they agree with that analysis of the planner that there is rarely good justification for an increase in lot coverage but that this is one of the cases where it is a reasonable request. Additionally, D. Hahn indicated that he appreciated the fact that the lot coverage was the only variance requested and the applicants had worked to ensure all required setbacks were met. He suggested that the committee include a condition in the site plan which limits the total lot coverage permitted for future accessory buildings to three percent to account for the two percent increase in coverage for the principal building.

R. Sutherland agreed with this proposal so that the overall lot coverage would still be limited to a maximum of ten percent.

RESOLUTION: C of A: 17:10:08

Moved by: D. Hahn

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-42-17-B by Teresa Verlinden and Elizabeth Brown, to permit an increase in lot coverage for a principal building, in Concession 11, Part Lot 23, Dairy Lane, District of Bedford, subject to conditions.

Carried

Application No: MV-42-17-B
Owner: Theresa Verlinden, Elizabeth Brown
Location of Property: Concession 11, Lot/Part Lot 23, Dairy Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law 2003-75 to permit an increase in lot coverage of a principal building from 5% to 7%
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

- 1. This minor variance is for the demolition of the existing dwelling and construction of a maximum 3250 square foot footprint single detached dwelling.

2. Minor variance MV-42-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental policies, and which specifies that a permit may be required from Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item #10: MV-43-17-L (Colangeli)

Speaking to the Application: Robert Colangeli

Discussion:

The subject land consists of 6.07 +/- acres with frontage on Burega Lane and Loughborough Lake. The property is currently developed with a single detached dwelling, a sleeping cabin, and a detached storage building. The proposal is for the construction of a 32 foot by 50 foot (1600 square foot) detached accessory building to be located a minimum of 3 metres (10 feet) from the right-of-way which accesses 1219 Burega Lane. There is an existing power line running along the eastern side of the property which limits the opportunity to locate the proposed building any farther from the right-of-way.

The Planning Department is able to support the application.

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

The building department has no objections.

RESOLUTION: C of A: 17:10:09

Moved by: R. Sutherland

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-43-17-L by Robert Colangeli and Julie McGinn to permit a reduction in setback from a right-of-way, in Concession 1, Part Lot 8, Burega Lane, District of Loughborough, subject to conditions.

Carried

Application No: MV-43-17-L
Owner: Robert Colangeli, Julie McGinn
Location of Property: Concession 1, Lot/Part Lot 8, Burega Lane, District of Loughborough, Township of South Frontenac
Purpose of Application: To vary section 5.6.1 of the Comprehensive Zoning By-law 2003-75 to permit a reduction in setback from a private lane
Date of Hearing: November 9, 2017
Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the construction of a 1600 square foot footprint detached accessory building, to be located a minimum of 3 metres from the right-of-way which accesses 1219 Burega Lane.
2. Minor variance MV-43-17-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

Item #15: Adjournment

RESOLUTION: C of A: 17:10:10

Moved by: R. Sutherland

Seconded by: K. Gee

THAT the November 9, 2017 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:25 p.m. to reconvene at 7:00 p.m. on Thursday, December 14, 2017 or at the call of the Chair.

Carried

Alan Revill
Chair

Lindsay Mills
Secretary-Treasurer

DRAFT



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 5, 2017

Application No: S-56-17-P
Owner: Brett and Lory Dark
Location of Property: Concession 12, Part Lot 1, 1138 Deer Park Drive, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create a right-of-way
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the consent application to create a right-of-way **be considered for passage.**

BACKGROUND

The subject land consists of 1.72 +/- acres with frontage on Deer Park Lane and Fourteen Island Lake. The lot is currently developed with a single detached dwelling. The proposal is for the creation of a right-of-way along the existing driveway which currently serves both 1138 Deer Park Lane and 1150 Deer Park Lane. The owners of 1138 Deer Park Lane have granted permission for the owners of 1150 Deer Park Lane to cross their property for access since the dwellings were constructed. This access was never recognised legally and this application serves to create a deeded right-of-way to protect the right of access for 1150 Deer Park Lane. The topography of the lots makes it impossible to create a useable driveway to access 1150 Deer Park Lane directly from the lane. The owners of 1150 Deer Park Lane did construct a driveway but the grade on it created safety and drainage issues and it has since been removed in favour of the former access via 1138 Deer Park Lane. The right-of-way will be surveyed at 20 metres wide as per the Township standards. The planning department is able to support the application for the right-of-way.

Current Zoning: RLSW (Limited Service Residential Waterfront)
 Application Complies with Zoning: Yes
 Current Official Plan Designation: Rural (RU)
 Application Complies with Official Plan: Yes

AGENCY ANALYSIS AND COMMENTS

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

The building department has no objections.

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-56-17-P shall be for the creation of a right-of-way to be surveyed and constructed according to the Township's standard for new private lanes.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

ATTACHMENTS

Map of Dark Property




Submitted/approved by: Lindsay Mills

Prepared by: Jennie Kapusta



**DARK
S-56-17-P**

Legend

-  Dark Property
-  Rae Property
-  Rae Proposed ROW

Fourteen Island Lake

1138 Deer Park Lane

1128 Deer Park Lane

1150 Deer Park Lane

1154 Deer Park Lane

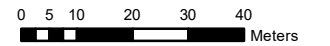
1145 Deer Park Lane

DEER PARK LANE

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Scale 1:1,357



UTM Projection NAD 83



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 5, 2017

Application No: S-57-17-P
Owner: Neil Morey
Location of Property: Concession 14, Part Lot 3/4/5, Hinchinbrooke Road North, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the consent application to create a new lot **be considered for passage.**

BACKGROUND

The subject land consists of 178 +/- acres (72.0 hectares) with frontage on Hinchinbrooke Road North. The lot is currently developed with a single detached dwelling and accessory building. The proposal is for the creation of a minimum 2 acre residential lot with a minimum of 76 metres of frontage on Hinchinbrooke Road North. The retained parcel will be approximately 176 +/- acres in size and retain all the existing structures.

The planning department is able to support the application for the proposed new lot.

Current Zoning: Rural
Application Complies with Zoning: Yes
Current Official Plan Designation: Rural (RU)
Application Complies with Official Plan: Yes

AGENCY ANALYSIS AND COMMENTS

Comments were not required from Quinte Conservation Authority.

Comments from KFL&A public health have yet to be received..

Public Works has no objections.

The building department has no objections.

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-57-17-P shall be for the creation of a minimum 2 acre lot, with a minimum of 76 metres of frontage on Hinchinbrooke Road North.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:

- a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
- b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
6. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-57-17-P.

ATTACHMENTS

Map of Morey Property

Submitted/approved by: Lindsay Mills

Prepared by: Jennie Kapusta





300 Hinchinbrooke Road North

**MOREY
S-57-17-P**

1023 Pepper Lane

Legend

-  Morey Proposed Lot
-  Morey Property

PEPPER LANE

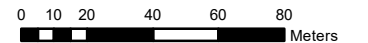
HINCHINBROOKE ROAD NORTH

101 Hinchinbrooke Road North

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Scale 1:2,300



UTM Projection NAD 83



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 6, 2017

Application No: S-59-17-P
Owner: Kurt VonHausen
Location of Property: Concession 2, Pt. Lot 21, Round Lake Road, District of Storrington, Township of South Frontenac
Purpose of Application: Consent to create a new lot
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the consent application to create a new lot **be considered for passage.**

BACKGROUND

This item was originally brought to the committee in May 2016 but was deferred pending a report from KFL&A Public Health. The item returned to the committee in October 2016 and was granted provisional consent at that time. The applicant was unable to meet all required conditions within the one year time period and as such is resubmitting the same proposal.

The subject lands consist of 5.1 +/- acres with frontage on Round Lake Road. The land is currently developed with a single detached dwelling and multiple detached accessory buildings. The application is for the creation of a 2.0 acre residential lot with a minimum of 76m frontage along Round Lake Road. The retained parcel will be approximately 3.1 +/- acres in size and retain all the existing structures.

The planning department is able to support the application for the proposed new lot.

Current Zoning: Urban Residential – First Density (UR1)

Application Complies with Zoning: Yes

Current Official Plan Designation: Rural (RU)

Application Complies with Official Plan: Yes

AGENCY ANALYSIS AND COMMENTS

Comments were not required from Cataraqui Region Conservation Authority.

KFL&A public health, Public Works and the building department have no objections.

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-59-17-P shall be for the creation of a minimum 2.0 acre lot, with a minimum of 76 metres of frontage on Round Lake Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through consent application S-59-17-P in lieu of parkland [Planning Act, s. 51(1)].



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-59-17-P.

ATTACHMENTS

Map of VonHausen Property

Submitted/approved by: Lindsay Mills

Prepared by: Jennie Kapusta



3885 Round Lake Road

LATIMER ROAD

3881 Round Lake Road

3884 Round Lake Road

ROUND LAKE ROAD



3894 Round Lake Road

3900 Round Lake Road



**VONHAUSEN
S-58-17-S**

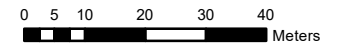
Legend

-  VonHausen Property
-  VonHausen Proposed lot

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Scale 1:1,250



UTM Projection NAD 83



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 6, 2017

Application No: S-60-17-L
Owner: Nigel Haynes
Location of Property: Concession 13, Pt. Lot 25, Burnt Point Lane, District of Loughborough, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the consent application to create a new lot **be considered for passage.**

BACKGROUND

The subject lands consist of 35.2 +/- hectares (87 +/- acres) with frontage on Billy Green Road, Burnt Point Lane and Buck Lake. The land is currently developed with a single detached dwelling and multiple detached accessory buildings. The application is for the creation of a 21.3 +/- acre lot addition only to 179 Burnt Point Lane (ARN 102904004012700) with a minimum of 76m frontage along Burnt Point Lane. The retained parcel will be approximately 26.6 hectares (65.7 +/- acres) in size and retain all the existing structures. This lot addition will give an existing waterfront lot the road frontage required by the current zoning by-law.

The planning department is able to support the application for the proposed lot addition.

Current Zoning: Rural (RU)
Application Complies with Zoning: Yes
Current Official Plan Designation: Rural (RU)
Application Complies with Official Plan: Yes

AGENCY ANALYSIS AND COMMENTS

Comments were not required from KFL&A public health and Public Works.

Cataraqui Region Conservation Authority has no objections to the proposal and has indicated that there is no need for any additional Environmental Impact Assessment despite Buck Lake being a Highly Sensitive or At Capacity Lake Trout Lake as the lot addition does not serve to increase density on the lake.

The building department have no objections.

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-59-17-P shall be for the creation of a minimum 2.0 acre lot, with a minimum of 76 metres of frontage on Round Lake Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



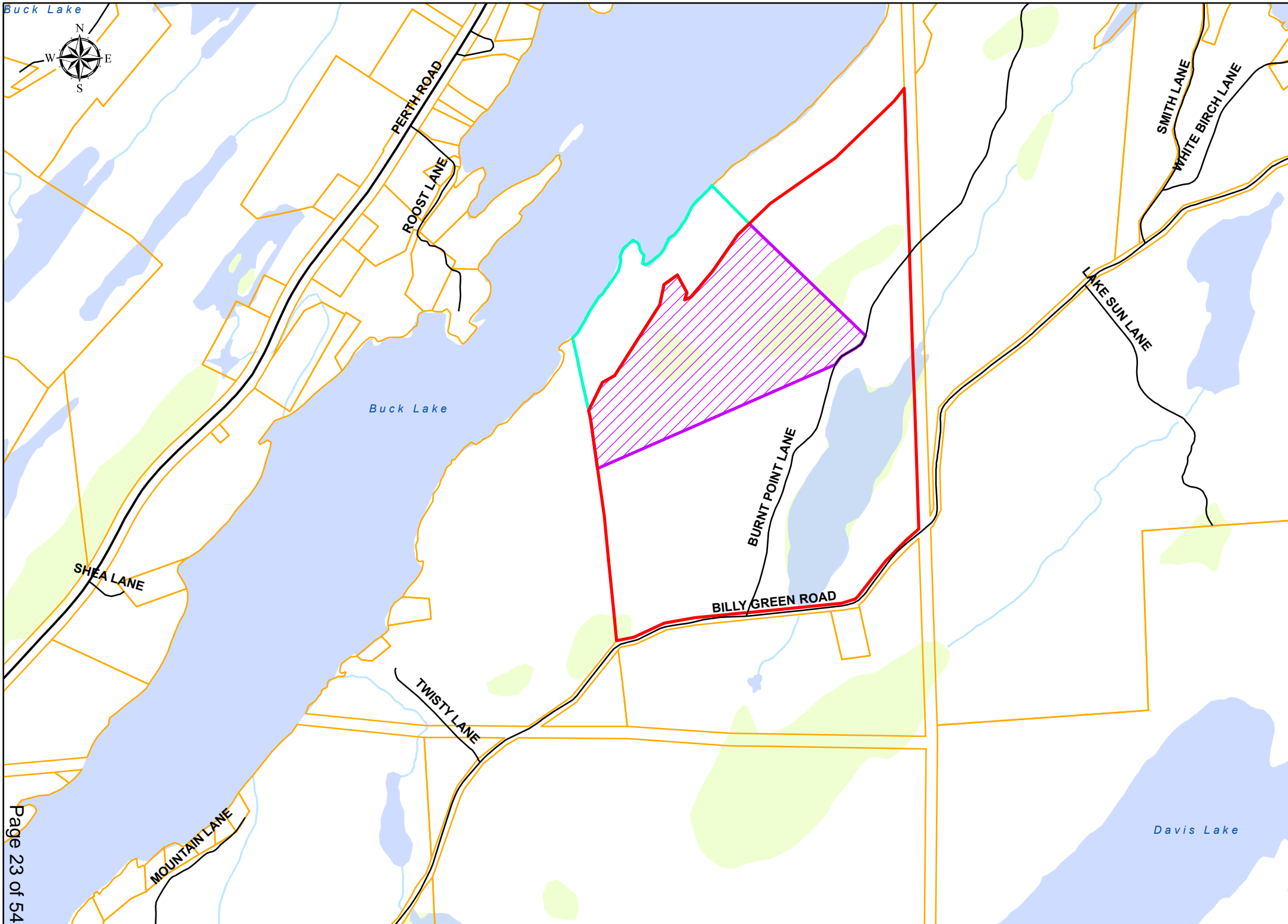
5. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].

ATTACHMENTS

Map of Haynes Property

Submitted/approved by: Lindsay Mills

Prepared by: Jennie Kapusta



**HAYNES
S-60-17-L**

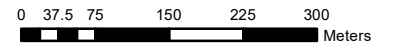
Legend

- Haynes Property
- Rice Property
- Rice Proposed Lot Addition

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Scale 1:7,667



UTM Projection NAD 83



CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA
Fax: (613) 547-6474 E-mail: info@crca.ca
Websites: www.crca.ca & www.cleanwatercataraqui.ca

Member of



November 30, 2017

File: SEV/FRS/283/2017

Sent by E-mail

Ms. Jennie Kapusta, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Kapusta:

**Re: Application for Consent to Sever (Lot Addition) S-60-17-L (Haynes)
Part Lot 25, Concession 13; Billy Green Road
Loughborough District, Township of South Frontenac
Waterbody: Buck Lake**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for consent to sever and offer the following comments for the Land Division Committee's consideration. The property was not visited.

Summary of the Proposal

The applicant has requested severance of an 8.6 hectare parcel of land with approximately 76 metres of road frontage onto Burnt Point Lane. The lot to be severed is presently vacant, and it is proposed to be added to the property known as 179 Burnt Point Lane. The lot to be retained would be approximately 25.5 hectares in area.

Site Description

The property is located on the east side of the south branch of Buck Lake. The topography of the property can be described as rising quickly from the shoreline to a high undulating piece of land. The property consists of predominately woodlands. There is an unevaluated wetland located in the southeast corner of the severed parcel (parcel to be added).

The property is designated 'Rural' in the Official Plan and zoned 'Rural' (RU) in the implementing Zoning By-law. Buck Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township.

Discussion

The main interest of the CRCA in this proposal is the protection of water quality of Buck Lake and the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline.

Natural Hazards

Flooding: The CRCA does not have floodplain mapping for Buck Lake. The maximum recorded water level for Buck Lake is 133.16 metres geodetic. For Buck Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Based upon elevation mapping data, staff note that there is sufficient area outside of the erosion hazard allowances for future development to occur on both the retained and severed parcels. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

Erosion: Section 5.8.2 (2) of the Zoning by-law requires that no building or structure or septic tank installation shall be located within 15 metre horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. The CRCA defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 1 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres, or 6 metres from the stable top of valley. Staff note that there is sufficient area outside of the erosion hazard allowances for future development to occur on both the retained and severed parcels. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the CRCA's Planning Policy (April, 2015) contains provisions that seek to support these objectives.

Also, as noted above, Buck Lake is identified as a highly sensitive Lake Trout Lake, and as such, the waterbody is afforded additional protection to ensure development does not negatively impact the water quality of the lake. However, staff note that there is considerable area on the severed and retained parcels for future development to occur. In the opinion of staff, an Environmental Impact Assessment is not required in this instance.

Recommendation

Staff have no objection to the approval of application S-60-17-L based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06

Please note that a portion of the property is subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. More specifically, the CRCA regulates development (construction, filling and site alteration) within 15 metres of a flood plain or erosion hazard and within 30 metres of the identified wetland on the property. Within a regulated area, written permission must be obtained from the CRCA prior to development taking place.

Ms. Jennie Kapusta (S-60-17-L)
November 30, 2017

Please inform this office of any decision made by the Committee with regard to this application. If you have any questions, please contact the undersigned at 613-546-4228 ext. 244, or by e-mail at aschmidt@crca.ca

Yours truly,



Andrew Schmidt, C. Tech.
Supervisor, Development Review

/as

c.c. Nigel Haynes, 6777 Billy Green Road, R.R. #1, Perth Road, ON, K0H 2L0
Lindsay Mills, Planner, Township of South Frontenac (via email)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 7, 2017

Application No: MV-44-17-P
Owner: Suzanne Roberts
Location of Property: Concession 14, Lot/Part Lot 25, Mary Moore Roberts, District of Portland, Township of South Frontenac
Purpose of Application: To vary section 5.24.2 of the Comprehensive Zoning By-law 2003-75 to permit a construction of an accessory building in the front yard
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the minor variance to permit construction of an accessory building in the front yard **be considered for passage.**

BACKGROUND

The subject land consists of 1.05 +/- acres with frontage on Mary Moore Road. The property is currently developed with a single detached dwelling and a detached storage building. The proposal is for the construction of a 26 foot by 18 foot (470 square foot) detached accessory building to be located a minimum of 39 metres (130 feet) from Mary Moore Road. While the proposed location for the accessory building meets the minimum 20 metre requirement for front yard, it is still closer to the road than the principal building. This location is on the south side of the existing driveway and the building will be screened from the road by a stand of trees. The Planning Department is able to support the application.

FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act

A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Is the minor variance desirable for the appropriate development or use of the land, building or structure?
2. Is the general intent and purpose of the official plan maintained?
3. Is the general intent and purpose of the zoning by-law maintained?
4. Is the variance minor?

Current Zoning: Rural (RU)

Application Complies with Zoning: Yes

Current Official Plan Designation: Rural (RU)

Application Complies with Official Plan: Yes



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



AGENCY ANALYSIS AND COMMENTS

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

The building department has no objections.

CONDITIONS

1. This minor variance is for the construction of a 470 square foot footprint detached accessory building, to be located a minimum of 39 metres from Mary Moore Road.
2. Minor variance MV-44-17-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

ATTACHMENTS

Map of Roberts Property




Submitted/Approved by: Lindsay Mills

Prepared by: Jennie Kapusta



**ROBERTS
MV-44-17-P**

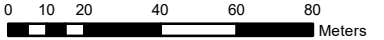
Legend

-  Roberts Property
-  Roberts Proposed Garage
-  Existing Buildings

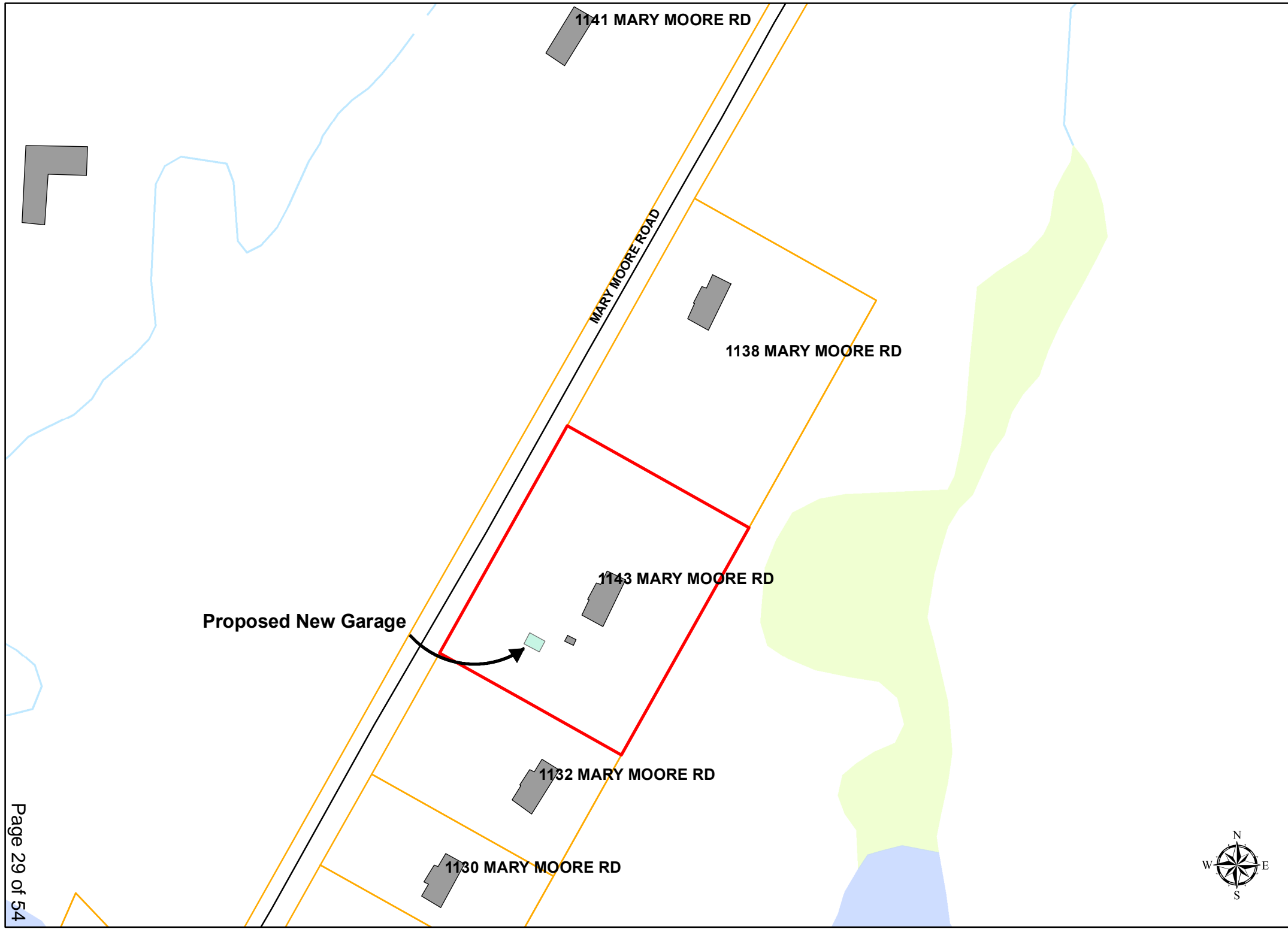
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Scale 1:1,986



UTM Projection NAD 83





REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 7, 2017

Application No: MV-45-17-B
Owner: Ian Chinnery
Location of Property: Concession 10, Lot/Part Lot 9, 17 Orchard Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 5.10.2 of the Comprehensive Zoning By-law 2003-75 to permit additions to an existing structure within 30m of the water
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the minor variance to permit additions to an existing dwelling within the 30 metre setback from water **be considered for passage.**

BACKGROUND

The subject land consists of 0.86 +/- acres with frontage on Orchard Lane and Devil Lake. The property is currently developed with a single detached dwelling and multiple detached accessory buildings. The proposal is for the construction of three additions, totalling 360 square feet, to an existing cottage located 30 feet from the high water mark of Devil Lake. On the water side of the cottage the applicant has proposed to cover and enclose two existing deck sections, each measuring 60 square feet. On the non-water side of the cottage the proposal is for the construction of a new 10 foot by 24 foot (240 square feet) addition. The addition on the non-water side of the cottage is to allow for the construction of an interior bathroom. The applicant has submitted an application to KFL&A public health for the installation of a new septic system which will be located well outside the 30 metre setback. This new septic system will allow the applicant to remove the existing outhouse. There is very limited opportunity to increase the setback from the water due to a deeded right-of-way (Orchard Lane) and registered hydro easement on the property.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

The Planning Department is able to support the application.

FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act

A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Is the minor variance desirable for the appropriate development or use of the land, building or structure?
2. Is the general intent and purpose of the official plan maintained?
3. Is the general intent and purpose of the zoning by-law maintained?
4. Is the variance minor?



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Current Zoning: Limited Service Residential Waterfront (RLSW)
Application Complies with Zoning: Yes
Current Official Plan Designation: Rural (RU)
Application Complies with Official Plan: Yes

AGENCY ANALYSIS AND COMMENTS

KFL&A Public Health have no objections as the applicant has already submitted an application for a new septic system capable of handling the increased square footage and bathroom.

Cataraqui Region Conservation Authority has already issued a permit for the construction of the total 360 square feet of additions proposed in this minor variance.

Comments from Public Works were not required.

The building department has no objections.

CONDITIONS

1. This minor variance is for the construction of three additions to an existing dwelling located 30 feet from the high water mark of Devil Lake. The total square footage of all three additions is not to exceed 360 square feet. None of the additions are permitted to encroach farther into the water setback than the existing dwelling.
2. Minor variance MV-45-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

ATTACHMENTS

Map of Chinnery Property




Submitted/Approved by: Lindsay Mills

Prepared by: Jennie Kapusta



CHINNERY MV-45-17-B

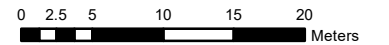
Legend

-  Chinnery Property
-  Chinnery Proposed Additions
-  Existing Buildings

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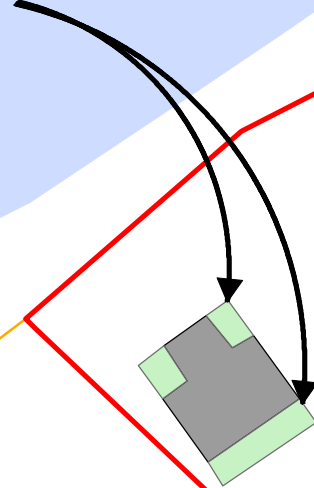
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UTM Projection NAD 83



Proposed Additions



Devil Lake

ORCHARD LANE

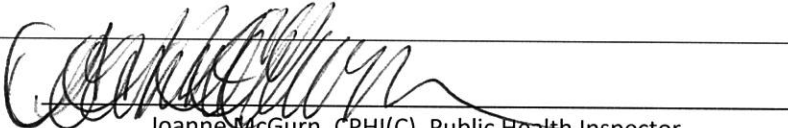




KFL&A
Public Health

REQUESTS FOR COMMENTS

Environmental Health Department
1130 Elizabeth Street
Sharbot Lake, Ontario K0H 2P0
(613) 279-2151
1-800-267-7875
Fax: (613) 279-3997
<http://www.kflapublichealth.ca>

To:	Mr. Lindsay Mills Secretary-Treasurer, Committee of Adjustment Township of South Frontenac PO 100 4432 George Street Sydenham, ON 2T0
Application Number:	MV-45-17B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Chinnery, Ian & Bev
Location:	Part Lot 9, Concession 10, Bedford 17 Orchard Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the minor variance as the owners have submitted an application under permit number BE-28-17.
Inspector:	 Joanne McGurn, CPHI(C), Public Health Inspector
Date:	December 05, 2017

PLEASE FORWARD A COPY OF THE NOTICE OF DECISION TO KFL&A PUBLIC HEALTH.

Personal information on this form is collected under the authority of the Building Code Act, and will be used for the administration of Public Health programs. Any questions about the collection of this information should be directed to the Manager of Environmental Health, KFL&A Public Health, 221 Portsmouth Avenue, Kingston, Ontario K7M 1V5, (613) 549-1232 ext. 1243 or 1-800-267-7875.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 7, 2017

Application No: MV-46-17-S
Owner: James Emmons
Location of Property: Concession 7, Lot/Part Lot 13, 3159 Harpers Bay Lane, District of Storrington, Township of South Frontenac
Purpose of Application: To vary section 5.10.2 of the Comprehensive Zoning By-law 2003-75 to permit additions to an existing structure within 30m of the water
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the minor variance to permit an addition to an existing dwelling within the 30 metre setback from water **be considered for passage.**

BACKGROUND

The subject land consists of 0.38 +/- acres with frontage on Harper's Bay Lane and Loughborough Lake. The property is currently developed with a single detached dwelling located approximately 26 feet, including a 12 foot wide deck, from the high water mark of Loughborough Lake. The proposal is for the construction of an 80 square foot addition to the existing dwelling. The exterior porch proposed as an addition is currently partially enclosed with a roof and one wall and is located on the non-water side of the existing dwelling. This addition is approximately a 5% increase in footprint. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The Planning Department is able to support the application.

FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act

A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Is the minor variance desirable for the appropriate development or use of the land, building or structure?
2. Is the general intent and purpose of the official plan maintained?
3. Is the general intent and purpose of the zoning by-law maintained?
4. Is the variance minor?

Current Zoning: Limited Service Residential Waterfront (RLSW)

Application Complies with Zoning: Yes

Current Official Plan Designation: Rural (RU)

Application Complies with Official Plan: Yes



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



AGENCY ANALYSIS AND COMMENTS

Comments were not required from KFL&A Public Health.

Cataraqui Region Conservation Authority has no objections to the application as submitted. They have indicated that while the West Basin of Loughborough Lake is identified as a highly sensitive Lake Trout Lake there is no need for an additional Environmental Impact Assessment.

Comments from Public Works were not required.

The building department has no objections.

CONDITIONS

1. This minor variance is for the construction of a maximum 80 square foot addition to the existing dwelling at 3159 Harper's Bay Lane. This addition is to be on the non-water side of the dwelling and will fully enclose an existing partially enclosed exterior porch.
2. Minor variance MV-46-17-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

ATTACHMENTS

Map of Emmons Property




Submitted/Approved by: Lindsay Mills

Prepared by: Jennie Kapusta



**EMMONS
MV-46-17-S**

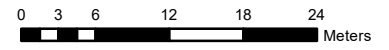
Legend

-  Emmons Property
-  Emmons Proposed Addition
-  Existing Buildings

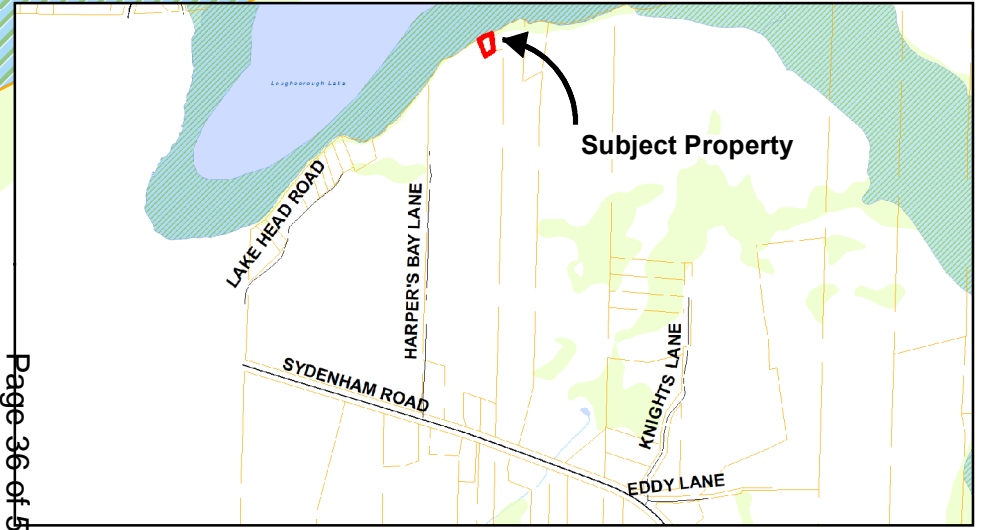
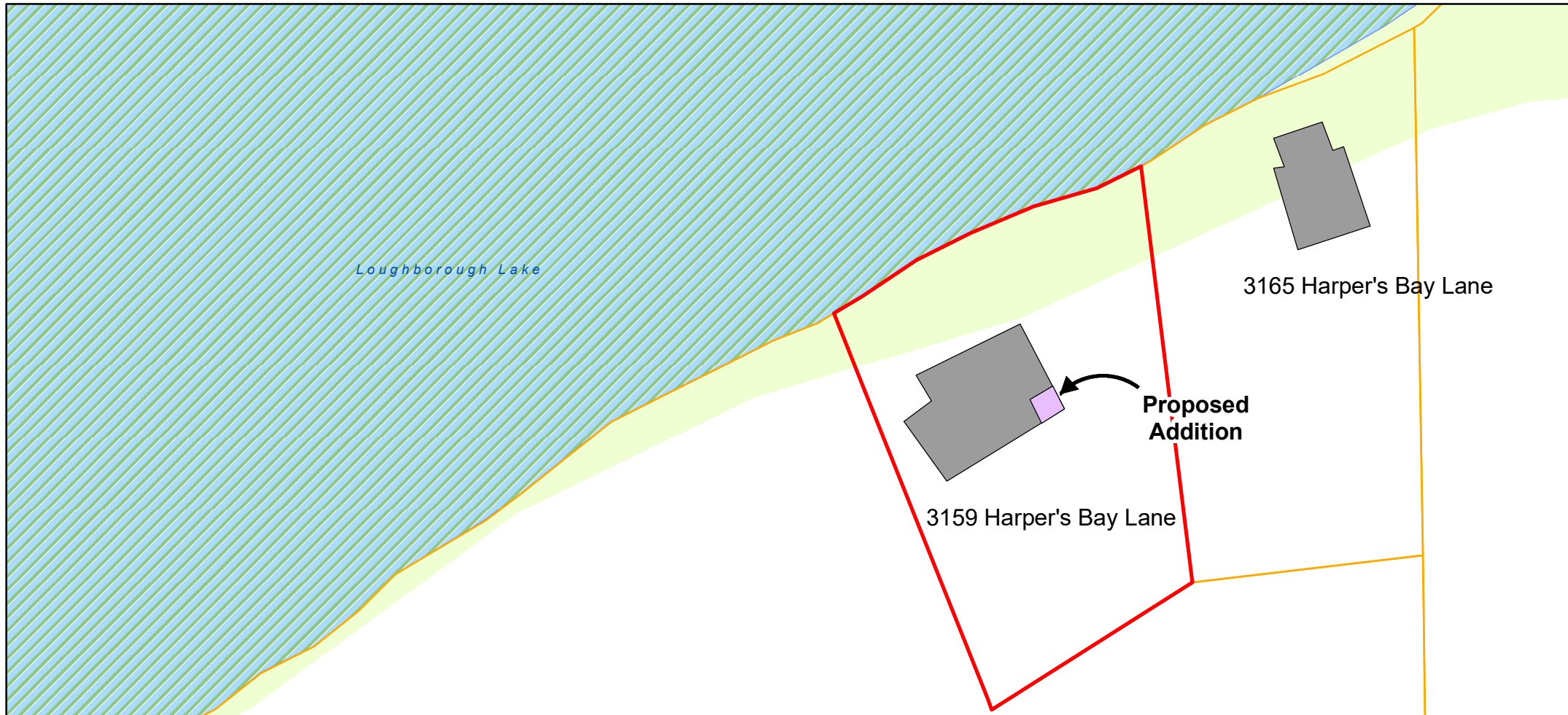
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:613



UTM Projection NAD 83





CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA
Fax: (613) 547-6474 E-mail: info@crca.ca
Websites: www.crca.ca & www.cleanwatercataraqui.ca



November 29, 2017

File: MV/FRS/280/2017

Sent by Email

Ms. Jennie Kapusta, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Kapusta:

**Re: Application for Minor Variance MV-46-17-S (Emmons)
Lot 13, Concession 7; 3159 Harpers Bay Lane
Storrington District, Township of South Frontenac
Waterbody: Loughborough Lake (West Basin)**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for minor variance, and provide the following comments for the Committee of Adjustment's consideration.

Summary of Proposal

The proposal involves the construction of a 6.5 square metre addition onto a cottage on the subject property. The variance is requested to:

- Reduce the required setback from the high water mark from 30 metres, as required by Section 5.8.2.(1.) of the South Frontenac Zoning By-law, to 18.9 metres in order to permit the construction of an addition.

Site Description

The property is located on the south side of the west basin of Loughborough Lake. The topography of the site can be characterized as having a low bank adjacent to the lake and then rising slowly up toward Harpers Bay Lane to the south. Based upon a review of CRCA mapping, the cottage is not located within the regulatory flood plain of Loughborough Lake.

The property is currently designated 'Rural' and 'Provincially Significant Wetland' in the Official Plan and 'Limited Service Residential – Waterfront Zone' (RLSW) in the Zoning By-law for South Frontenac Township. The west basin of Loughborough Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township.

Discussion

The main interest of the CRCA in this proposal is the protection of the provincially significant wetland (PSW), protection of the water quality of Loughborough Lake, and the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline.

Natural Hazards

Flooding: The maximum recorded water level for Loughborough Lake is 125.10 metres geodetic. For Loughborough Lake, the maximum recorded water level is used in lieu of an engineered flood plain. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

Erosion: The CRCA defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 3 (horizontal):1 (vertical) for till shorelines, plus an erosion access allowance of 6 metres. CRCA mapping suggests that the bank slope adjacent to the lake is approximately 0.5 metres. Therefore, the erosion hazard allowance is estimated to be 7.5 metres. Staff note that the proposed development is located outside of the erosion hazard allowance. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the CRCA's Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan suggests a 30 metre setback and requires that this buffer area be maintained as a natural vegetative buffer strip adjacent to the water's edge to filter pollutants from runoff. Additionally, Section 5.8.2 (1.) of the Zoning By-Law for South Frontenac Township suggests that a 30 metre setback from the highwater mark is required to be maintained as a buffer in order to protect water quality. Similarly, the CRCA Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody. However, development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property, the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

The development proposal is located in a reasonable location since the addition will be situated on the inland side of the existing dwelling, the proposed development will be further away from the water than the existing cottage, and the development complies with the maximum lot coverage provisions in the

Zoning By-law. If approved, staff recommend that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and the CRCA.

Also, as noted above, Loughborough Lake is identified as a highly sensitive Lake Trout Lake, and as such, the waterbody is afforded additional protection to ensure development does not negatively impact the water quality of the lake. However, since the proposed development will be located further away from the lake than existing development and the proposed dwelling is only modestly larger than the existing cottage, staff do not believe that an environmental impact / lake assessment is required.

Natural Heritage (PSW)

As noted above, this portion of Loughborough Lake is classified as provincially significant wetland. Section 5.2.11 of the Official Plan suggests that when considering development adjacent to a provincially significant wetland, an Environmental Impact Assessment (EIA) may be required. In the opinion of staff, impacts would be negligible since the proposed addition will be located at the rear (inland side) of the existing cottage, and the addition is modest in size. Therefore, staff do not believe that an EIA is required in this instance.

Recommendation

Staff have no objection to the approval of application MV-46-17-S based on our consideration for natural hazard, natural heritage and water quality policies. Please notify this office of any decision made by the Committee of Adjustment with regard to this application.

Ontario Regulation 148/06

The CRCA, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, regulates development within 120 metres of a provincially significant wetland. Therefore, a CRCA permit will be required for the proposed development. The applicant will be required to contact the undersigned at the building permit stage for more information regarding permitting requirements under Ontario Regulation 148/06.

If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by email at aschmidt@crca.ca.

Yours truly,



Andrew Schmidt, C.Tech.
Supervisor, Development Review

/as

c.c. James Emmons, 1044 Lucas Road, R.R. #4, Odessa, ON, K0H 2H0
Lindsay Mills, Planner, Township of South Frontenac (via email)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 7, 2017

Application No: MV-46-17-L
Owner: Randy Ruttan
Location of Property: Concession 11, Lot/Part Lot 22, Buck Lake, District of Loughborough, Township of South Frontenac
Purpose of Application: To vary section 5.10.2 of the Comprehensive Zoning By-law 2003-75 to permit construction of a dwelling within 30m of the water, and section 10.3.1 to permit a reduction in rear yard
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the minor variance to permit an addition to an existing dwelling within the 30 metre setback from water **be considered for passage.**

BACKGROUND

The subject land consists of 8.33 +/- acres with frontage on Buck Lake and an unevaluated wetland area. The property is currently vacant. The proposal is for the construction of a 400 square foot footprint, seasonal dwelling to be located a minimum of 80 feet from the high water mark of Buck Lake. This dwelling would have a 250 square foot loft in order to meet the Township's minimum 635 square foot gross floor area requirement for a principal dwelling. Of the 8.33 acres the property encompasses, approximately 5 acres is wetland area, with the remaining 3.3 acres of land broken into multiple small islands. The proposed dwelling would be located on the largest of these parcels in a natural plateau with a ridge of land between the proposed location and Buck Lake; this rise will aid in directing runoff away from Buck Lake and into the wetland area.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

The Planning Department is able to support the application.

FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act

A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Is the minor variance desirable for the appropriate development or use of the land, building or structure?
2. Is the general intent and purpose of the official plan maintained?
3. Is the general intent and purpose of the zoning by-law maintained?
4. Is the variance minor?

Current Zoning: Limited Service Residential Waterfront (RLSW)

Application Complies with Zoning: Yes



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Current Official Plan Designation: Rural (RU)
Application Complies with Official Plan: Yes

AGENCY ANALYSIS AND COMMENTS

Comments were not required from KFL&A Public Health as the applicant has indicated there is to be no plumbing in the dwelling.

Cataraqui Region Conservation Authority has no objections to the application as submitted. They have indicated that while Buck Lake is identified as a highly sensitive Lake Trout Lake there is no need for an additional Environmental Impact Assessment. They stated that the topography of the property will direct runoff away from the lake and into the inland wetland area.

Comments from Public Works were not required.

The building department has no objections.

CONDITIONS

1. This minor variance is for the construction of a 400 square foot footprint dwelling with a 250 square foot loft to be located a minimum of 80 feet from the high water mark of Buck Lake and 30 feet from the rear property line.
2. Minor variance MV-46-17-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

ATTACHMENTS

Map of Ruttan Property



Submitted/Approved by: Lindsay Mills

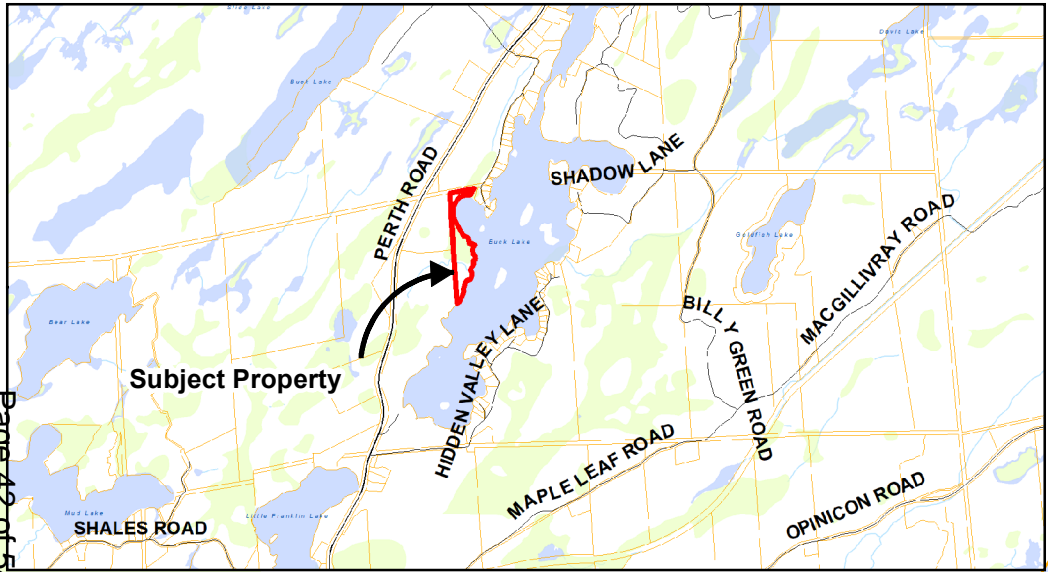
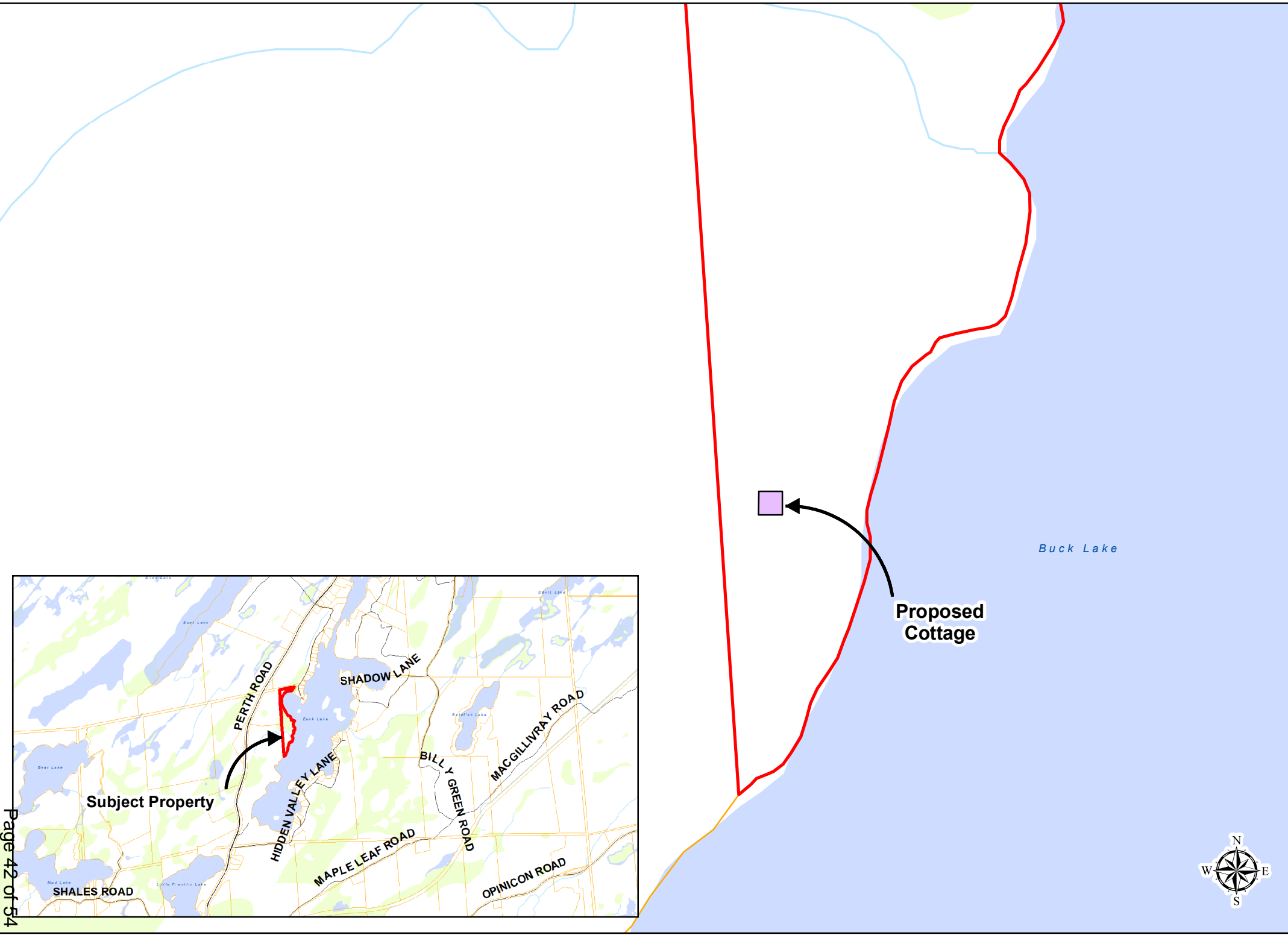
Prepared by: Jennie Kapusta



**RUTTAN
MV-47-17-L**

Legend

-  Ruttan Property
-  Ruttan Proposed Cottage



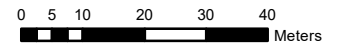
Buck Lake

**Proposed
Cottage**

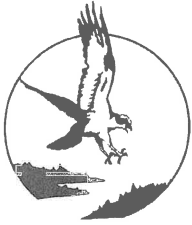
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Scale 1:1,227



UTM Projection NAD 83



CATARAQUI REGION CONSERVATION AUTHORITY
1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA
Fax: (613) 547-6474 E-mail: info@crca.ca
Websites: www.crca.ca & www.cleanwatercataraqui.ca



November 30, 2017

File: MV/FRS/281/2017

Sent by Email

Ms. Jennie Kapusta, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Kapusta:

**Re: Application for Minor Variance MV-47-17-L (Ruttan)
Part Lot 22, Concession 11; 5 South Branch, Buck Lake
Loughborough District, Township of South Frontenac
Waterbody: Buck Lake**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for minor variance, and provide the following comments for the Committee of Adjustment's consideration. The property was not visited.

Summary of Proposal

The proposal involves the construction of a single-family dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the high water mark from 30 metres, as required by Section 5.8.2.(1.) of the South Frontenac Zoning By-law, to 24.4 metres in order to permit the construction of a dwelling.

Site Description

The property is located on the west side of the south branch of Buck Lake. The topography of the site can be characterized as having a high bank adjacent to the lake with a relatively flat plateau area between the top of bank and the property line to the west where the dwelling is proposed to be located. It is our understanding that the property is accessed by boat.

The property is currently designated 'Rural' and 'Provincially Significant Wetlands' in the Official Plan and 'Limited Service Residential – Waterfront Zone' (RLSW) in the Zoning By-law for South Frontenac Township. Buck Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township.

Discussion

The main interest of the CRCA in this proposal is the protection of the water quality of Buck Lake and the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline.

Natural Hazards

Flooding: The CRCA does not have floodplain mapping for Buck Lake. The maximum recorded water level for Buck Lake is 133.16 metres geodetic. For Buck Lake, the maximum recorded water level is used in lieu of an engineered flood plain. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, the proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

Erosion: The CRCA defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 1 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres, or 6 metres from the stable top of valley. Staff note that the proposed development is located greater than 6 metres from the stable top of valley. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the CRCA's Planning Policy (April 2015) contains provisions that seek to support these objectives.

Also, as noted above, Buck Lake is identified as a highly sensitive Lake Trout Lake, and as such, the waterbody is afforded additional protection to ensure development does not negatively impact the water quality of the lake. Section 5.2.8 of the Official Plan suggests all development or site alterations proposed within 30 metres of the highwater mark of a designated Lake Trout Lake requires the submission of an Environmental Impact Assessment (EIA) and that a Lake Impact Assessment may also be required. However, in the opinion of staff, development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

The development proposal is located in a reasonable location since there is limited opportunity to locate development outside of the water setback, the development complies with the maximum lot coverage provisions in the Zoning By-law, and surface runoff in the location of the proposed dwelling is naturally routed away from the lake. Therefore, staff are not convinced that an EIA or a Lake Impact Assessment are required in this instance. *If approved, staff recommend that roof runoff be directed away from the*

lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and the CRCA.

Recommendation

Staff have no objection to the approval of application MV-47-17-L based on our consideration for natural hazard, natural heritage and water quality policies.

Ontario Regulation 148/06

The CRCA, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, regulates development (construction, filling, and site alteration) within 15 metres of a valley land. The valley of Buck Lake is considered to extend inland to the top of the slope. It appears that the proposed development is within the 15 metre adjacent lands to the top of valley, and therefore, a CRCA permit will be required for the proposed development. The applicant will be required to contact the undersigned at the building permit stage for more information regarding permitting requirements under Ontario Regulation 148/06.

Please notify this office of any decision made by the Committee of Adjustment with regard to this application. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by email at aschmidt@crca.ca.

Yours truly,



Andrew Schmidt, C.Tech.
Supervisor, Development Review

/as

c.c. Randy Ruttan, 1143 Shadow Lane, R.R. #1 Perth Road, ON, K0H 2L0
Lindsay Mills, Planner, Township of South Frontenac (via email)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 7, 2017

Application No: MV-48-17-B
Owner: Kurt Stouffer, Ronald Stouffer
Location of Property: Concession 12, Lot/Part Lot 4, 8420 Perth Road, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 5.10.2 of the Comprehensive Zoning By-law 2003-75 to permit construction of a dwelling within 30m of the water and section 8.3.1 to permit a reduction in front yard
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the minor variance to permit construction of a dwelling within the 30 metre setback from water **be considered for passage.**

BACKGROUND

The subject land consists of 0.92 +/- acres with frontage on Pollywog Lake and Perth Road. The property is currently developed with multiple detached accessory buildings. There was a trailer on the property which has recently been removed. The proposal is for the construction of a 24 foot by 40 foot (960 square feet) seasonal dwelling to be located a minimum of 14.6 metres (48 feet) from the high water mark of Pollywog Lake. The topography of the property is stepped with two plateaus separated by two rock cliffs. The proposed location of the dwelling is on the lower of the two plateaus up against the rock cliff. There is a hydro line which runs along the edge of the upper plateau which drastically limits the ability for the applicant to increase the setback from the water. To obtain the 48 foot setback from the water the applicant is requesting a reduction in front yard from 20 metres to 12 metres. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The Planning Department is able to support the application.

FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act

A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Is the minor variance desirable for the appropriate development or use of the land, building or structure?
2. Is the general intent and purpose of the official plan maintained?
3. Is the general intent and purpose of the zoning by-law maintained?
4. Is the variance minor?

Current Zoning: Residential Waterfront (RW)

Application Complies with Zoning: Yes



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Current Official Plan Designation: Rural (RU)
Application Complies with Official Plan: Yes

AGENCY ANALYSIS AND COMMENTS

Comments were not required from KFL&A Public Health as the applicant has indicated there is to be no plumbing in the dwelling.

Cataraqui Region Conservation Authority has no objections to the application as submitted.

Comments from Public Works were not required.

The building department has no objections.

CONDITIONS

1. This minor variance is for the construction of a 960 square foot dwelling to be located a minimum of 14.6 metres (48 feet) from the high water mark of Pollywog Lake.
2. Minor variance MV-48-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

ATTACHMENTS

Map of Stouffer Property



Submitted/Approved by: Lindsay Mills

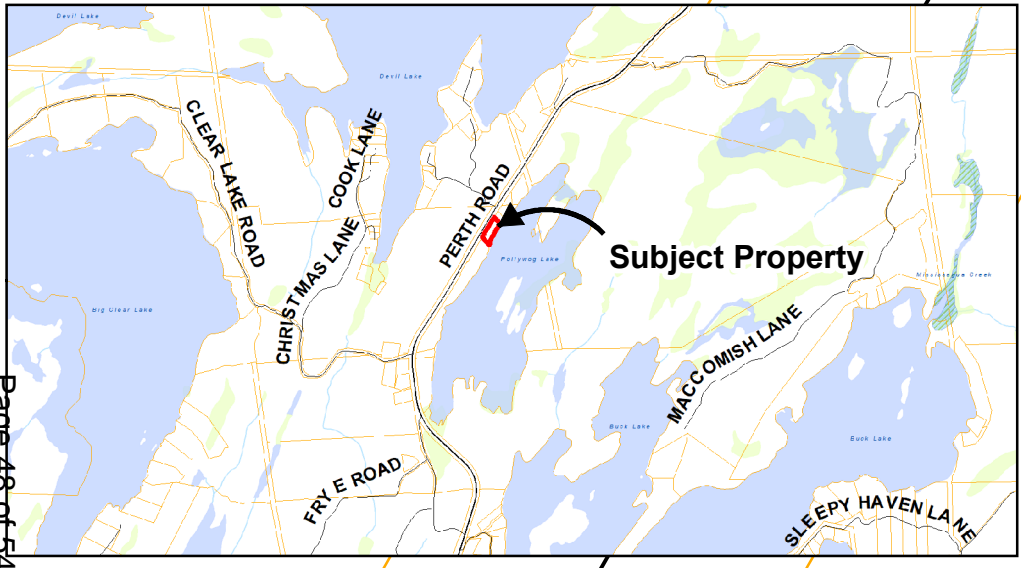
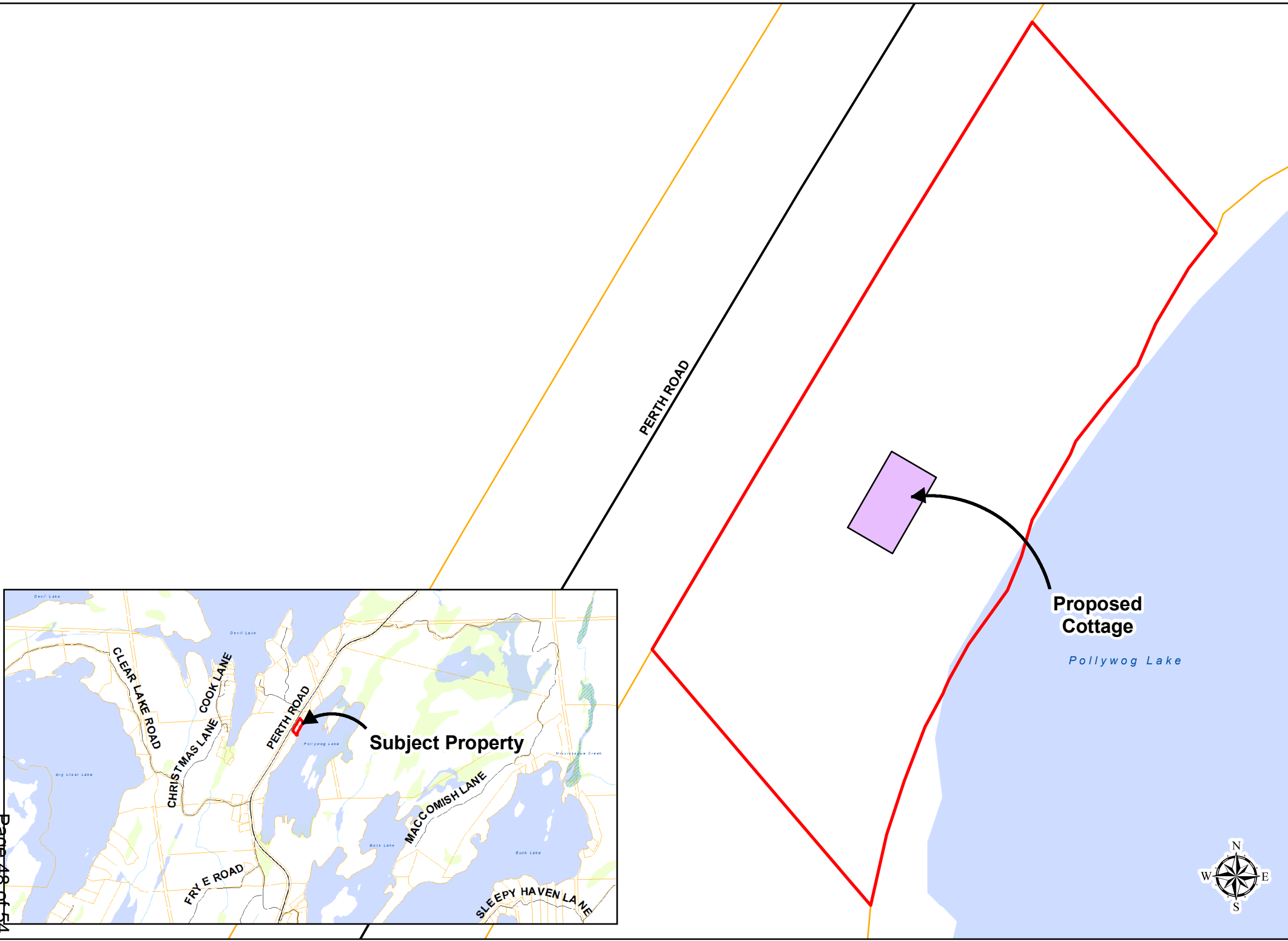
Prepared by: Jennie Kapusta



**STOUFFER
MV-48-17-B**

Legend

-  Stouffer Property
-  Stouffer Proposed Cottage



**Proposed
Cottage**

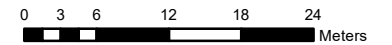
Pollywog Lake

Subject Property

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Scale 1:627



UTM Projection NAD 83



CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA
Fax: (613) 547-6474 E-mail: info@crca.ca
Websites: www.crca.ca & www.cleanwatercataraqui.ca



November 30, 2017

File: MV/FRS/282/2017

Sent by Email

Ms. Jennie Kapusta, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Kapusta:

**Re: Application for Minor Variance MV-48-17-B (Stouffer)
Lot 4, Concession 12; 8420 Perth Road
Bedford District, Township of South Frontenac
Waterbody: Pollywog Lake**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for minor variance, and provide the following comments for the Committee of Adjustment's consideration.

Summary of Proposal

The proposal involves the construction of a single-family dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the high water mark from 30 metres, as required by Section 5.8.2.(1.) of the South Frontenac Zoning By-law, to 14.6 metres in order to permit the construction of a dwelling.

Site Description

The property is located on the east side of Perth Road and the property has water frontage onto Pollywog Lake. The topography of the site can be characterized as having a high rock bank adjacent to the lake with a relatively flat plateau area between the top of bank and another high steep embankment that rises up to Perth Road. Currently, the property contains a number of outbuildings.

The property is currently designated 'Rural' in the Official Plan and 'Waterfront Residential Zone' (RW) in the Zoning By-law for South Frontenac Township.

Discussion

The main interests of the CRCA with respect to this application are the avoidance of natural hazards associated with Pollywog Lake (e.g. flooding and erosion), and the protection of its water quality. There were no natural heritage features identified on the subject property.

Natural Hazards

Flooding: The CRCA does not have floodplain mapping for Pollywog Lake. However, due to the difference in elevation between the highwater mark of Pollywog Lake and the top of bank, flooding is not expected to occur inland of the top of bank. Therefore, the proposed location for the dwelling is considered to be outside of any area of potential flood risk. Further, the CRCA's planning policy suggests that new development should be set back 6 metres from any area that may be subject to flood risk. Staff note that the proposed development will be located outside of the setback from the flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

Erosion: The CRCA's planning policy suggests that the erosion hazard limit is defined as being the sum total of an allowance for toe erosion, a stable slope allowance defined as being no steeper than 1(horizontal):1(vertical) for bedrock shorelines, plus a 6 metre access allowance, or 6 metres from the stable top of valley. Staff note that the proposed development is located greater than 6 metres from the stable top of valley. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

Water Quality

Section 5.8.2 (1.) of the Zoning By-Law for South Frontenac Township suggests that a 30 metre setback from the highwater mark is required to be maintained as a buffer in order to protect water quality. The Official Plan also requires that this buffer area be maintained as a natural vegetative buffer strip adjacent to the water's edge to filter pollutants from runoff. Similarly, the CRCA Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody. However, development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

Due to the topography of the site, this property is considered to be a constrained lot. In the opinion of staff, there are limited alternatives for development to occur on the property, the development is no closer to the water than existing development on the site, and the development complies with the maximum lot coverage provisions. *If approved, staff recommend that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and the CRCA.*

Recommendation

Staff have no objection to the approval of application MV-07-14-B based on our consideration for natural hazard, natural heritage and water quality policies.

Ontario Regulation 148/06

The CRCA, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, regulates development within 15 metres of a valley land. The valley of Pollywog Lake is considered to extend inland to the top of the high rock slope adjacent to the shoreline. It appears that the proposed dwelling is within 15 metres of the top of valley. Therefore, a CRCA permit will be required for the proposed development. The applicant will be required to contact the undersigned at the building permit stage for more information regarding permitting requirements under Ontario Regulation 148/06.

Please notify this office of any decision made by the Committee of Adjustment with regard to this application. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by email at aschmidt@crca.ca.

Yours truly,



Andrew Schmidt, C.Tech.
Supervisor, Development Review

/as

c.c. Kurt Stouffer, 1808 State Route 69, Camden, New York, 13316
Lindsay Mills, Planner, Township of South Frontenac (via email)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PUBLIC MEETING

Report Date: December 7, 2017

Application No: MV-49-17-B
Owner: Gloria Beach and Scott Duckworth
Location of Property: Concession 7, Lot/Part Lot 34, 301 Oak Bluffs Road, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 5.24.2 of the Comprehensive Zoning By-law 2003-75 to permit construction of an accessory building in the front yard and section 12.3.2 to permit an increase in height of an accessory building
Date of Hearing: December 14, 2017

RECOMMENDATION

It is recommended that the Committee hear comments from members of the public and that the minor variance to permit construction of a detached accessory building in the front yard **be considered for passage.**

BACKGROUND

The subject land consists of 9.54 +/- acres with frontage on Oak Bluffs Road and Alder Lane. The property is currently developed with a single detached dwelling. The proposal is for the construction of a 40 foot by 50 foot (2000 square feet) detached accessory building, with a finished height of 23 feet, to be located a minimum of 20 metres from the front property line. The topography of the property including large rock outcroppings and a stream which runs approximately 100 feet behind the existing dwelling limit the opportunities for locating the accessory building behind the house.

The Planning Department is unable to support the application.

FOUR TESTS OF A MINOR VARIANCE

Section 45(1) of the Planning Act

A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Is the minor variance desirable for the appropriate development or use of the land, building or structure?
2. Is the general intent and purpose of the official plan maintained?
3. Is the general intent and purpose of the zoning by-law maintained?
4. Is the variance minor?

Current Zoning: Residential - Special Zone 15 (R-15)

Application Complies with Zoning: Yes

Current Official Plan Designation: Rural (RU)

Application Complies with Official Plan: Yes



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



AGENCY ANALYSIS AND COMMENTS

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

The building department has no objections.

CONDITIONS

1. This minor variance is for the construction of a 2000 square foot detached accessory building, with a maximum finished height of 23 feet, to be located a minimum of 20 metres from the front property line.
2. Minor variance MV-49-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

ATTACHMENTS

Map of Duckworth Property




Submitted/Approved by: Lindsay Mills

Prepared by: Jennie Kapusta



**DUCKWORTH
MV-49-17-B**

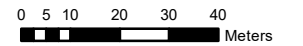
Legend

-  Duckworth Property
-  Duckworth Proposed Garage
-  Existing Buildings

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:1,533



UTM Projection NAD 83

