

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

TIME: 7:00 PM,  
DATE: Thursday, August 9, 2018  
PLACE: Council Chambers.

1. Call to Order
- a) Resolution
2. Motions to Appoint Secretary/Treasurer of the Committee of Adjustment
- a) Megan Rueckwald - Manager of Community Planning, County of Frontenac
3. Adoption of Agenda
4. Declaration of pecuniary interest
- a) Jennie Kapusta, Deputy Secretary/Treasurer Committee of Adjustment declares pecuniary interest in application S-66-18-P by Mark and Sharon Alton
5. Approval of Minutes – [July 12, 2018]
- a) Resolution
6. New Consent Applications:
- a) S-63-18-S - 548883 Ontario Limited - Concession 8, Lot 15/16, Hiawatha Lane, District of Storrington - Consent to create a new lot 3 - 7
- b) S-64-18-P - Douglas Roche - Concession 2, Part Lot 1, 3246 Forest Road, District of Portland - Consent to create a lot addition 8 - 9
- c) S-65-18-S - Randy and Brenda Knapp - Concession 10, Part Lot 31, Burnt Hills Road/Beach Lane, District of Storrington - Consent to create a right-of-way for access 10 - 12
- d) S-66-18-P - Mark and Sharon Alton - Concession 5, Part Lot 1, 3254 Harrowsmith Road, District of Portland - Consent to create a new lot 13 - 15  
S-67-18-P - Mark and Sharon Alton - Concession 5, Part Lot 1, 3254 Harrowsmith Road, District of Portland - Consent to create a new lot
- e) S-68-18-B - 1344938 Ontario Limited - Concession 24/25, Part Lot 20, Sunset Shores Lane, District of Bedford - Consent to create a right-of-way for water access 16 - 27
- f) S-69-18-P - Robin Pepper - Concession 14, Part Lot 6, Craig Road/Creek Lane, District of Portland - Consent to create a new lot 28 - 34
- g) S-70-18-B - William St. Arnaud and Janice Walker - Concession 5, Part Lot 28, St. Arnaud Acres, District of Bedford -Consent to create a new lot, together with mainland parking and docking access 35 - 45
- S-71-18-B - William St. Arnaud and Janice Walker - Concession 5, Part Lot 28, St. Arnaud Acres, District of Bedford -Consent to create

a new lot, together with mainland parking and docking access

- h) S-72-18-P - Dana and Angela Neumann - Concession 5, Part Lot 5, Alton Road, District of Portland - Consent to create a new lot 46 - 49
- i) S-73-18-P - Raymond Bond and Beverlee Smart - Concession 10, Part Lot 12, Cross Road, District of Portland - Consent to create a new lot 50 - 55
- j) S-74-18-B - Paul Snelgrove - Concession 2, Part Lot 1, Frye Lane, District of Bedford - Consent to create a lot addition 56 - 59
- k) S-75-18-P - George Lappen - Concession 12, Part Lot 25, Bellrock Road, District of Portland - Consent to create a new lot 60 - 64

7. New Minor Variance Applications:

- a) MV-16-18-P - Michael Organ - Concession 12, Part Lot 9, 1154 Deer Park Lane, District of Portland - Variance to permit an increase in lot coverage over 5% for construction of a deck and screen porch 65 - 68
- b) MV-17-18-S -Keitha Kirkham - Concession 9, Part Lot 16, Ormsbee Road, District of Storrington - Variance to permit a reduction in setback from top of bank, variance to permit a reduction in front yard 69 - 82

8. Other Business

- a) Local Planning Appeal Tribunal (LPAT) Presentation at September 13, 2018 Committee of Adjustment meeting

9. Adjournment

- a) Resolution



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** August 3, 2018

**Application No:** S-63-18-S  
**Owner:** 548883 Ontario Ltd.  
**Location of Property:** Concession 8, Part Lots 15 and 16, Hiawatha Lane, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Consent to create new lot  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the consent application S-63-18-S be **deferred in order to receive comments from KFL&A Public Health.**

### Proposal

An application for consent has been received for the creation of one new waterfront lot from an existing property at Concession 8, Part Lots 15 and 16, District of Storrington, Township of South Frontenac, known municipally as 4071 Hiawatha Lane (see attached map). The existing lot has frontage on Dog Lake with Hood Lane, Hiawatha Lane and Hewett Lane dissecting the property. The subject property is currently operated as recreational resort commercial property known as Hiawatha Hideaway. The proposal is to sever 2.5 acres from an existing 50 acre lot create one new lot containing an existing cottage.

#### S-63-18-P

Consent application S-63-18-P is for the creation of a developed waterfront limited services lot. The proposed new lot will have approximately 305 feet of frontage along Dog Lake and is approximately 2.5 acres in area. The lot will be irregularly shaped due to the configuration of the shoreline with a depth of approximately 360 feet. The lot will be accessed by Hiawatha Lane. The lot will contain a seasonal dwelling municipally known as 4065 Hiawatha Lane.

#### Retained Lot

The retained lands will consist of approximately 50 acres in area with approximately 900 feet of frontage along Dog Lake and over 1km of private roads dissecting the property. The retained lands will contain three seasonal dwellings as part of the recreational resort commercial property. No further development is proposed for the retained lands at this time.

The proposed lot line configuration to sever off the existing waterfront cottage at 4065 Hiawatha Lane results in a lot line that will dissect the cottage at 4071 Hiawatha Lane. Planning staff confirmed with the applicant that the cottage at 4071 Hiawatha Lane will be removed from the subject property; planning staff are recommending the removal of the cottage as a condition of the consent.

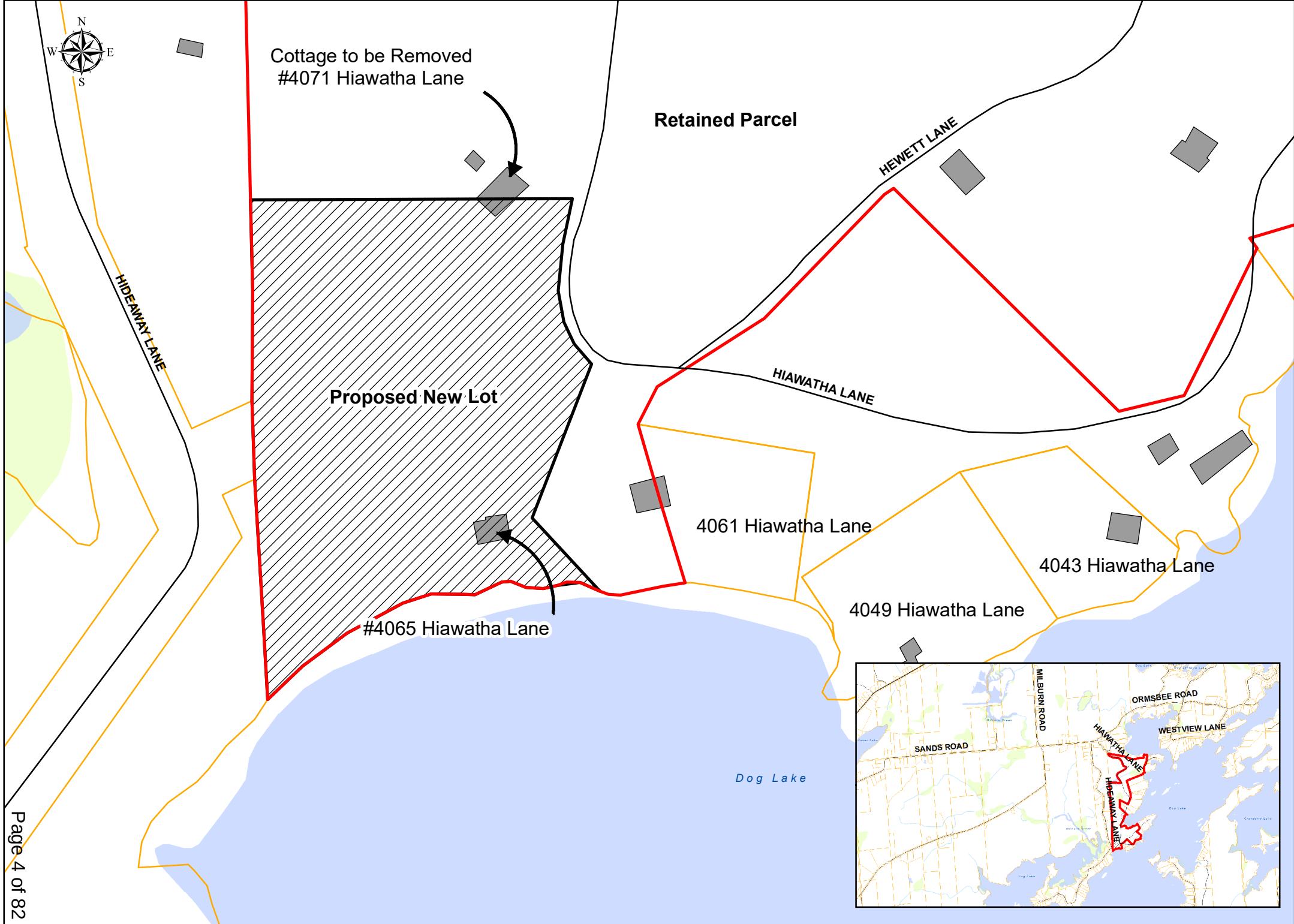
### Planning Analysis

Before the Committee of Adjustment can make a decision on the application, planning staff are recommending deferral to receive comments from KFL&A Public Health.

**Prepared by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

### Attachments

Map of 548883 Ontario Ltd. property.



548883 Ontario Limited  
S-63-18-S

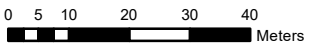
**Legend**

-  548883 Ont Ltd property
-  4065 Hiawatha Lane Proposed Lot

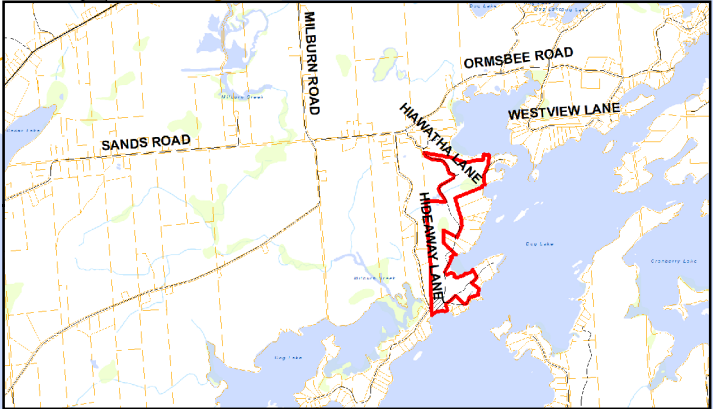
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Scale 1:1,250



UTM Projection NAD 83



July 18, 2018

File: SEV/FRS/142/2018

**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 Consent to Sever S-63-18-S (548883 Ontario Ltd.)  
Lots 15, 16, Concession 8; 4071 Hiawatha Lane  
Storrington District, Township of South Frontenac  
Waterbody: Dog Lake**

The Rideau Waterway Development Review Team (RWDRT), made up of staff from the Cataraqui Region Conservation Authority (CRCA) and Parks Canada, has reviewed the technical circulation for the above-noted application for severance and provide the following comments for the Committee of Adjustment's consideration.

**Summary of Proposal**

The applicant has requested severance of a 1.0 ha parcel with approximately 78 metres of road frontage onto Hiawatha Lane. The lot to be severed contains an existing cottage and a shed. It is our understanding that the cottage is to be removed. The lot to be retained contains three cottages and a storage shed, and is proposed to continue to be used for residential/recreational purposes.

**Property Description**

The subject property is located to the east of Hideaway Lane and west of Hiawatha Lane with water frontage on Dog Lake. The property generally slopes down from the north toward Dog Lake to the south. It consists primarily of wooded lands with some cleared areas where existing development is located. Based upon a review of CRCA mapping, there appears to be a small wetland feature located along the western property line of the proposed lot to be severed.

The property is designated 'Rural' in the Official Plan and zoned 'Recreational Resort Commercial' (RRC 4) in the implementing Zoning By-law. Dog Lake itself is zoned 'Environmental Protection'.

**Discussion**

The main interests of the RWDRT in this application are the avoidance of natural hazards associated with the shoreline of Dog Lake (e.g. flooding and erosion), the protection of the water quality of the lake, and the conservation of the cultural and natural heritage and scenic values of the Rideau Canal National Historic Site and UNESCO World Heritage Site.

### Natural Hazards

*Flooding Hazard:* An engineered 100-year flood level is not available for Dog Lake and, as such, the maximum recorded water level is used to define the extent of the regulatory flood plain. The maximum recorded water level for Dog Lake is 98.95 m GSC. CRCA planning policy suggests that a minimum 15 metre setback from the flood plain is preferred. Based upon elevation mapping data, there is considerable area outside of the setback from the regulatory flood plain for development to occur on both the retained and severed parcels. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

*Erosion Hazard:* The CRCA defines the extent of potential erosion hazards for till shorelines to be an allowance for toe erosion, a stable slope allowance of 3(horizontal):1(vertical) plus an erosion access allowance of 6 metres. This allowance makes up the erosion hazard limit. Staff note that there is considerable area outside of the erosion hazard allowance for development to occur on both the retained and severed parcels. All existing buildings are located outside of the erosion hazard limit and any new development would be required to be located outside of the erosion hazard limit. 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 Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

The Official Plan recognizes the need to minimize impacts to water quality by reducing phosphorous inputs, preventing erosion and maintaining natural appearances. Accordingly, policies have been included that can vary the setback from the highwater mark from 30 to 90 metres depending on the site characteristics such as steepness of slope, vegetation cover, soil depth and soil phosphorus retention.

The Official Plan and Zoning By-law require that all development (including septic system) occur at a minimum setback of 30 m from the highwater mark of a water body. The intent of the setback is to provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat. As required by the Zoning By-law, any future development on the severed or retained lots must be located outside of the 30 metre setback from the highwater mark of Dog Lake. In addition, as required by CRCA guidelines for implementing Ontario Regulation 146/06 (see description below), future development must be located outside of a 30 metre setback from the small wetland feature identified on the lot to be severed.

Staff note that the lot to be severed and the retained lot contain considerable area outside of the 30 metre water setback for future development to occur. Therefore, staff have no concerns with the proposal from a water quality perspective.

### Rideau Canal National Historic Site and UNESCO World Heritage Site

Similarly, RWDRT staff strive to preserve and enhance the cultural, natural and scenic values of the national historic site and world heritage site so that all Canadians can enjoy this legacy into the future. This can be achieved through the maintenance of a natural shoreline, the maintenance and enhancement of vegetation on the property, development which complements the visual character of the landscape, and the maintenance of a minimum 30 metre setback of all development from the water.

## Recommendation

RWDRT staff have no objection to the approval of application S-63-18-S based on our consideration for natural hazards, natural and cultural heritage, and water quality and quantity protection policies.

Parks Canada - Rideau Canal Office oversees all in-water and shoreline works along the Canal system. If the landowner wishes to carry out any in-water or shoreline works in the future, the Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction.

## CRCA's Ontario Regulation 148/06

Portions of the property are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is implemented by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. Within a regulated area, written permission must be obtained from the CRCA prior to development taking place. Present and future landowners are required to contact the CRCA to determine the need for a permit.

Please inform this office in writing of any decisions made by the Committee of Adjustment regarding this application. If you have any questions, please contact the undersigned at (613) 546-4228 extension 244, or via e-mail at [aschmidt@crca.ca](mailto:aschmidt@crca.ca).

Yours truly,



Andrew Schmidt, C.Tech.  
Supervisor, Development Review

cc: Susan Millar, Planner, Parks Canada (via email)  
548883 Ontario Limited, 493 Sydney Street, Kingston, ON, K7P 0C8



REPORT TO COMMITTEE OF ADJUSTMENT  
PLANNING DEPARTMENT



PLANNING REPORT – CONSENT APPLICATION

Report Date: August 3, 2018

|                         |                                                                                                   |
|-------------------------|---------------------------------------------------------------------------------------------------|
| Application No:         | S-64-18-L                                                                                         |
| Owner:                  | Roche                                                                                             |
| Location of Property:   | Concession 2, Part Lot 1, 3246 Forest Road, District of Loughborough, Township of South Frontenac |
| Purpose of Application: | Consent for lot addition                                                                          |
| Date of Hearing:        | August 9, 2018                                                                                    |

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that application S-64-18-L be **deferred** to allow the applicant to revise their application and time to receive comments from KFL&A Public Health.

Background

An application for consent for a lot addition has been received for the adjustment of a lot line at Part Lot 1, Concession 2, District of Loughborough, known municipally as 3246 Forest Road. Through conversations with the applicant and their solicitor it was determined that the appropriate planning approvals required are a consent application for severance instead of the lot addition.

Submitted by: Megan Rueckwald, Manager of Community Planning, County of Frontenac



**ROCHE  
S-64-18-P**

**Legend**



Roche Property

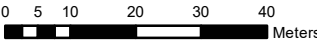


Roche Proposed Lot

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Scale 1:1,157



UTM Projection NAD 83

1004 Fellows Road

MURVALE ROAD

Retained Parcel

3246 Forest Road

Proposed  
New Lot

3210 Forest Road

FELLOWS ROAD

FOREST ROAD

MURTON ROAD

3229 Forest Road



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** August 2, 2018

**Application No:** S-65-18-S  
**Owner:** Knapp  
**Location of Property:** Concession 10, Part Lot 31, 651A Burnt Hills Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent for creation of a right-of-way  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-65-18-S for the creation of a right-of-way over 651A Burnt Hills Road.

### Proposal

An application for consent has been submitted for the creation of a right-of-way over Part Lot 31, Concession 10, District of Portland, municipally known as 651A Burnt Hills Road (see attached map). The existing lot has frontage on Burnt Hills Road and Beach Lane and contains areas cleared for agriculture as well as a licenced mineral aggregate operation. The intent of the consent application is for the creation of a right-of-way with access from Beach Lane that will provide legal deeded access to 651 Burnt Hills Road. 651 Burnt Hills Road is a waterfront property on Cranberry Lake that does not have legal deeded access. The right-of-way proposed is 20 metres (66 feet) wide and approximately 192 metres in length.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
Current Official Plan Designation: Rural and Mineral Aggregate  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: Rural and Pit “B”  
Complies with Zoning Bylaw 2003-75: Yes

### Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Section 1.1.5.5 states that development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. The proposed right-of-way will not result in in the need for unjustified or uneconomical expansion of infrastructure because the right-of-way will be under private ownership.

### County of Frontenac Official Plan, 2016

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



The County of Frontenac completed a private roads study that was endorsed by Council in 2016. The study contains policies for development down private lanes. The proposed right-of-way does not meet the definition of a private lane because it provides access to a single property.

### **Township of South Frontenac Official Plan, 2003**

The subject property and property to which legal deeded access is being obtained are designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. The right-of-way proposed will provide access to an existing residential limited service waterfront lot. The proposal is not considered the creation of a new private lane.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (R) and Pit "B" (PB) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The creation of the right-of-way is not in close proximity to any of the existing development on the subject property. The lot to which access is being provided is zoned Residential Limited Services – Waterfront (RLSW), which recognizes that access is not provided from a Township maintained road.

Overall, planning staff are recommending approval of the right-of-way as the proposal will provide legal deeded access to an existing lot and will not impact the character of the subject property.

### **Agency Analysis and Comments**

Public Comments – As of the time of writing the report, no comments have been received from the public.

### **Conditions**

1. An acceptable reference plan or legal description of the lands and right-of-way 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 registered as a right-of-way shall be for a width of 20 metres (66 feet) and a length of approximately 192 metres in length.
3. The right-of-way shall be constructed to the Township's private lane standards to the satisfaction of the Township Public Works Manager or their designate.

**Submitted/approved by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

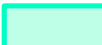
### **Attachments**

Map of Knapp property.



**KNAPP  
(GILBERT)  
S-65-18-S**

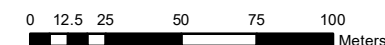
**Legend**

-  Knapp-Gilbert ROW
-  Knapp Property
-  Gilbert Property

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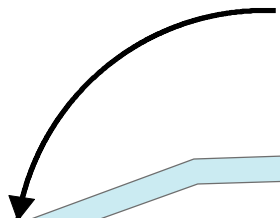
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Scale 1:2,500



UTM Projection NAD 83

**Proposed Right-of-way access**



BEACH LANE

STAFFORD LANE

RIDEAU ROAD

BURNT HILLS ROAD

CARRYING PLACE ROAD

BEACH LANE

*Cranberry Lake*



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** August 3, 2018

**Application No:** S-66-18-P and S-67-18-P  
**Owner:** Mark and Sharon Alton (Agent: Rob Smith)  
**Location of Property:** Concession 5, Part of Lot 1, 3254 Harrowsmith Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create two new lots  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment **defer** applications S-66-18-P and S-67-18-P in order for the Township to receive a legal opinion on the implications of signage being removed from the property during the required notice period. Planning staff completed a site visit on August 1, 2018, and noted that the signage and lot corner markings were not in place. It is recommended that the applications be heard at the September 13<sup>th</sup>, 2018, meeting once a legal opinion has been provided.

Section 53(5) of the Planning Act requires that at least 14 days before a decision is made by the council or the Minister, the council or the Minister shall ensure that notice of the application is given, if required by regulation, in the manner to the persons and public bodies containing the information prescribed.

Ontario Regulation 197/96: Consent Applications s.3(3) requires that Notice shall be given, by personal service or ordinary mail, to every owner of land within 60 metres of the subject land and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject land, or, if posting on the property is impractical, at a nearby location chosen by the official described in subsection (7).

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac



**ALTON**  
**S-66-18-P**  
**S-67-18-P**

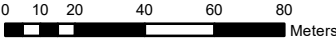
**Legend**

-  Alton Property
-  Alton Proposed Lot (Existing House)
-  Alton Proposed Vacant Lot

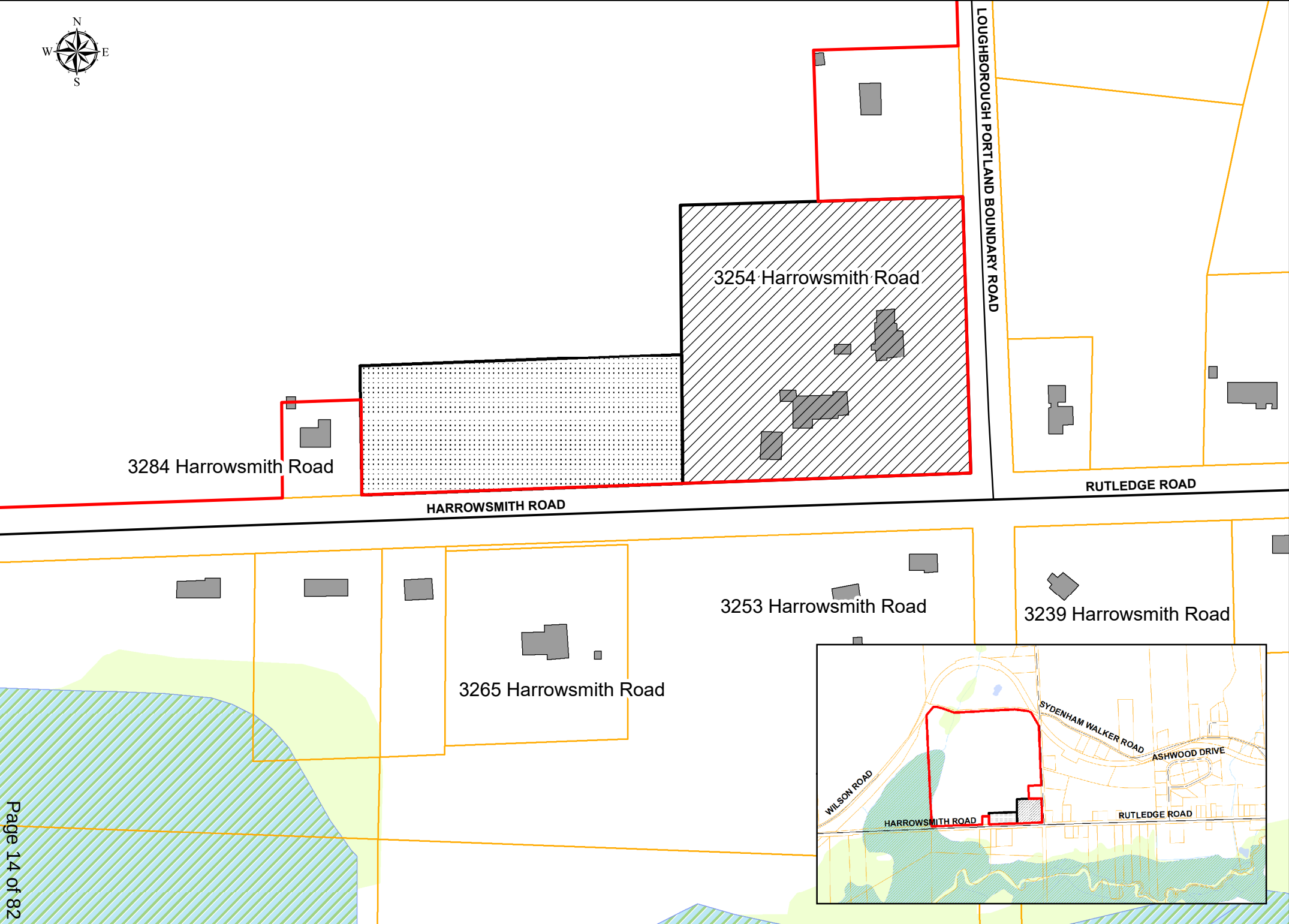
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Scale 1:2,169



UTM Projection NAD 83



July 25, 2018

Attention Committee of Adjustment Members

I would like to bring to your attention to an application by Rob Smith ie: The Alton Farm. When Mr Alton wanted to sell his property he ended up calling me because he was getting mixed information. I went to the Township Office where we printed off a copy of the property. Then Mr Orr, Mr Mills, Ms. Kapusta and myself went through what was allowed now under our Official Plan.

Now Mr Alton was allowed to tell the purchaser that one severance on Rutledge Rd was permitted and because of a sand pit near by if the OP changes which is anticipated in 2019 the setbacks on the sand pit would be reduced and then the original house could be severed off and he would be allowed to build on the retained.

Mr Alton was told that nothing is guaranteed but the Province/County new OP would be incorporating reduced set backs on sand pits. However we are working under the Township's current OP so that could not happen until the Township's official plan has been updated. This application is contrary to the information that Mr Alton was given.

I think at the very least this should be deferred till the applicant(Rob Smith) can provide either an environmental assessment to support the changes to property and/or a letter from Pits and Quarry's to support the changes that are not currently in our OP to be fair to the seller (Mr Alton) of the property.

Thank you



Ron Vandewal





## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** August 3, 2018

**Application No:** S-68-18-B

**Owner:** 1344938 Ontario Limited

**Location of Property:** Concession 5, Part Lot 23, 942 Sunset Shores, District of Bedford, Township of South Frontenac (Bobs Lake)

**Purpose of Application:** Consent for creation of a right-of-way

**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-68-18-B for the creation of a right-of-way over 942 Sunset Shores, subject to conditions as set out below.

### Proposal

An application for consent has been submitted for the creation of a right-of-way over Part Lot 23, Concession 5, District of Bedford, municipally known as 942 Sunset Shores (see attached map). The lot on which the right-of-way is to be created has frontage on Sunset Shores Lane (private road). The property is approximately 10 acres in size and forms a small peninsula towards the southern end of Bobs Lake.

The intent of the consent application is for the creation of a right-of-way for the property immediately adjacent to the west side of the subject property to have direct access to the water and construction of a dock. The right-of-way proposed is 20 metres (66 feet) wide.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes

Current Official Plan Designation: Rural

Application conforms with Official Plan, 2003: Yes

Current Zoning: Limited Service Residential – Waterfront Zone (RLSW)

Complies with Zoning Bylaw 2003-75: Yes

### Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Section 1.1.5.5 states that development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. The proposed right-of-way will not result in the need for unjustified or uneconomical expansion of infrastructure because the right-of-way will be under private ownership.

### County of Frontenac Official Plan, 2016

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.



The County of Frontenac completed a private roads study that was endorsed by Council in 2016. The study contains policies for development down private lanes. The proposed right-of-way does not meet the definition of a private lane because it provides access to waterfront and no new development will take place other than the creation of road access to the water's edge.

### **Township of South Frontenac Official Plan, 2003**

The subject property and property to which legal deeded access is being obtained are designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. The right-of-way proposed will provide waterfront access to an adjacent property and allow for construction of a dock. The proposal is not considered the creation of a new private lane.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Limited Service Residential – Waterfront Zone (RLSW) in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW Zone is to permit uses compatible with lakefront development including seasonal cottages, single detached dwellings, and docks. The creation of the right-of-way is not in close proximity to any of the existing development on the subject property and will be approximately 60 metres (200 feet) away from the cottage property to the north. The lot to which access is being provided is zoned Residential Limited Services – Waterfront (RLSW), which recognizes that access is not provided from a Township maintained road.

### **Agency Analysis and Comments**

Rideau Valley Conservation Authority (RVCA) – RVCA provided written comments dated July 24<sup>th</sup>, 2018, on the proposed right-of-way. RVCA supports the new right-of-way as it noted that the lands that will benefit from this proposal has waterfrontage on what is described as “Mud Bay”, all of which has been identified as an unevaluated wetland. RVCA note that while a portion of land will need to be cleared to allow for water access, this is preferred to having water access over “Mud Bay”, where boat access would potentially be more disruptive to the natural environment.

Public Comments – Two written comments have been submitted by citizens as of the date of this report:

- 1) Ms. Lynne Watson (via email July 25<sup>th</sup>, 2018) – Ms. Watson noted that Bobs Lake is an ‘at capacity’ lake trout lake and thought that the shoreline was to be left undisturbed.

Staff response: No new development (lot creation) is permitted on an ‘at capacity’ lake trout lake. This proposal is for the creation of a right-of-way to provide water access for a lot that has an unevaluated wetland across its frontage and in the opinion of RVCA this is a better choice for water access.

- 2) Mr. Lawrence Pick, 701 Sunset Shores Lane (letter dated August 1<sup>st</sup>, 2018) – Mr. Pick recommended that the proposed right-of-way only benefit Lot 20 and no other lands. Mr. Pick also noted that in recognition that the right-of-way is only for water access there is no need for it to be 20 metres in width.

Staff response: Staff agree with both suggestions which will ensure that the new water access will have as limited impact as possible. Conditions to this effect are included in the recommendation.

Planning Conclusion – Staff support the creation of the proposed right-of-way over 942 Sunset Shores Lane with the conditions that:

- (1) the proposed width of the right-of-way be reduced from 20 metres (65 ½ feet) to 4 metres (13 feet). Four metres will provide adequate width to allow for a driveway/boat access to the water's edge and ensure there is minimal disturbance to the natural environment and also acknowledges that the access is intended for only one user;
- (2) the access to the right-of-way be permanently limited to Lot 20 (the benefiting lot); and



(3) the recommendations in the July 24<sup>th</sup>, 2018 correspondence from the Rideau Valley Conservation Area be included as part of the approval.

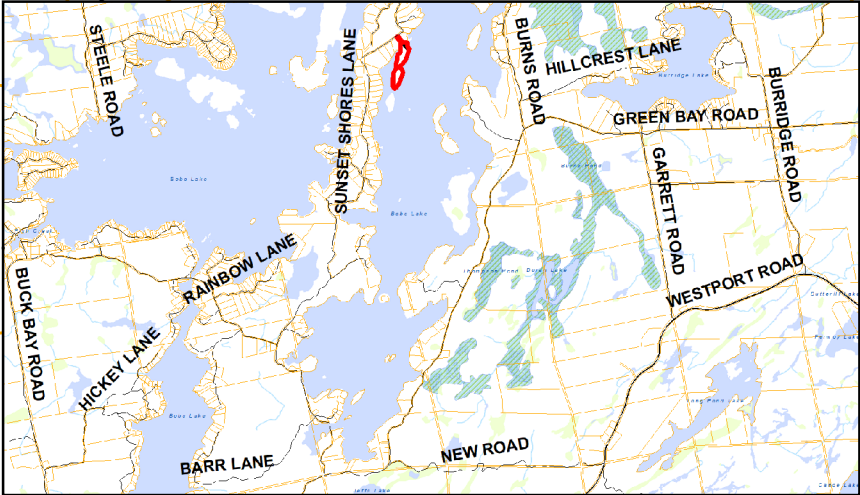
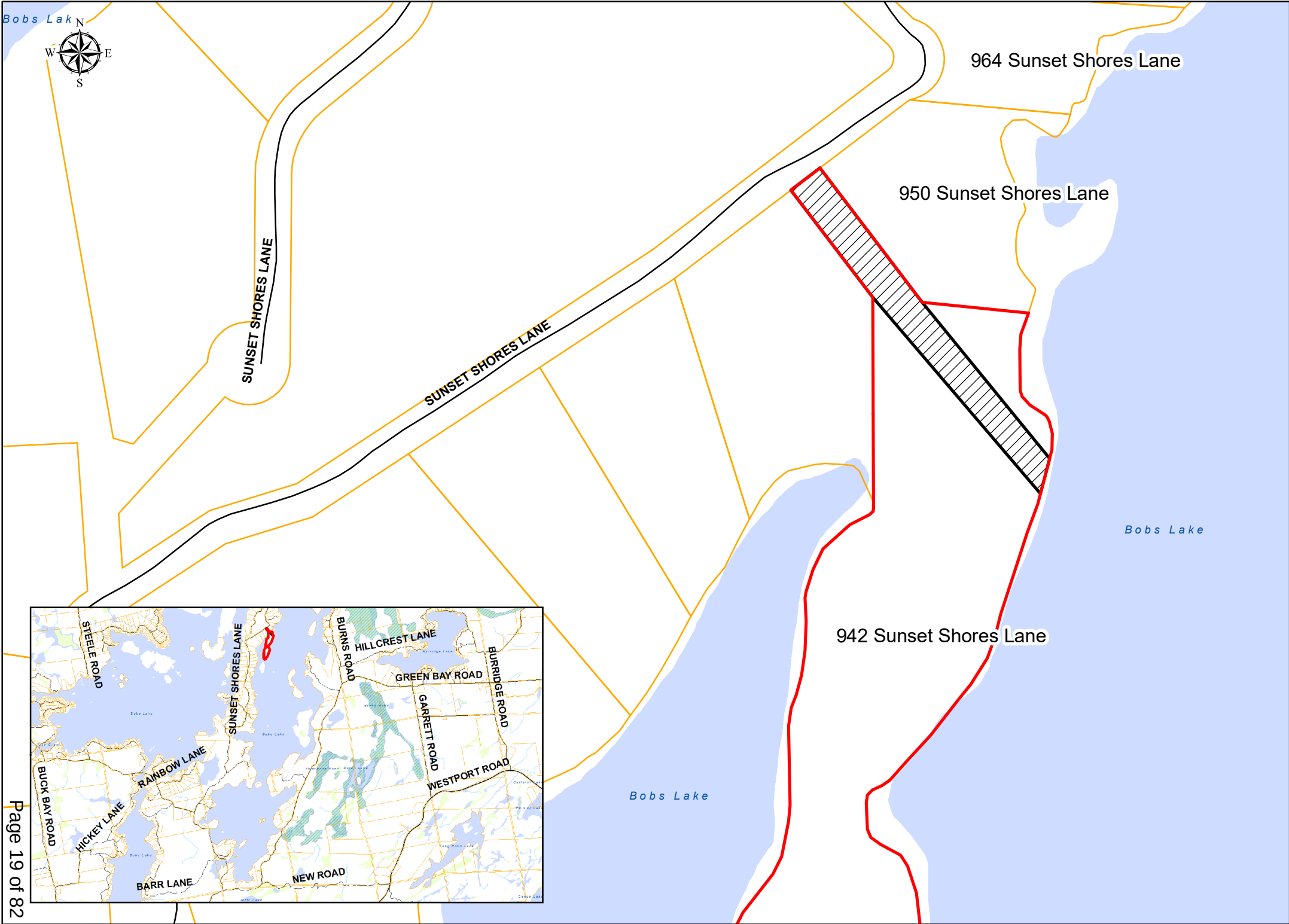
## Conditions

1. An acceptable reference plan or legal description of the lands and right-of-way 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 registered as a right-of-way shall be for a maximum width of 4 metres (13 feet).

**Submitted/approved by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

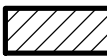
## Attachments

Map of subject property with proposed right-of-way.



**1344938 Ontario Limited  
S-68-18-B**

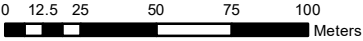
**Legend**

-  1344938 Ont Ltd property
-  1344938 Ont Ltd Right-of-Way

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 1:2,500



UTM Projection NAD 83

July 24, 2018  
18-SF-SEV (Bedford)

Township of South Frontenac  
Land Division Committee  
Box 37  
Perth, Ontario  
K7H 3E2

Attention: Jennie Kapusta

Subject: **MOLE, Norman & Carol.** Application for Consent **S-68-18-B** – Part Lot 23,  
Concession 5; 942 Sunset Shores Lane; Former Township of Bedford, Now the  
Township of South Frontenac; Roll Number: 10290200204515300000

Dear Ms. Kapusta,

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject application within the context of:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses” regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Tay River – Bobs Lake Catchment Report;
- The Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies

### The Proposal

The Rideau Valley Conservation Authority understands this proposal to be for the creation of a right-of-way (ROW) access across a portion of Block ‘D’ to allow “Lot 20” access to Green Bay. The ROW is proposed to be 20 metres wide and extend from Sunset Shores Lane to Green Bay.

No new lot is being proposed to be created as a result of this application.

### The Property

The subject property over which the ROW will be created is 942 Sunset Shores Lane. It is a peninsula which extends southerly into Green Bay (Bob’s Lake). It is an approximately 4.5 hectare property with over 1000 metres of frontage on the water. The property to benefit from the ROW is approximately 1.2 hectares with water frontage of 77 metres. It appears to front onto “mud bay” as indicated on the attached application.

During a site visit to the subject property, it was observed that there are significant slopes on both properties. In addition unevaluated wetlands were observed. Although there is no regulatory

floodplain within Bob's Lake, there is a regulated flood elevation of 163.07 metres above sea level. The presence of unstable slopes was not observed.

## **Review Comments and Recommendations**

### Unevaluated Wetlands

During the site visit it was confirmed that the area referred to as "mud bay" is an unevaluated wetland which goes from the waterfront along lot 20 through the current access road for 942 Sunset Shores Lane towards Green Bay. This wetland appears to have an area of approximately 1 hectare, but may be larger depending on time of observation.

Unevaluated wetlands are currently not regulated by the Conservation Authority, however they may become regulated under the Conservation Authorities Act in the future (please see note on Section 139 further in this letter). Given the numerous benefits of all wetlands, the Conservation Authority strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of plants and animals (often including fish).

Please note: Bill 139 received Royal Assent on December 12th, 2017 which included amendments to the Conservation Authorities Act and redefines the Conservation Authority's role in watershed management, climate change adaptability and natural hazards. Among the changes, a new Section 28 specifically changes regulation of areas over which authorities have jurisdiction. As a result, the RVCA will be reviewing the implementation of our policies and procedures to comply with the updated Conservation Authorities Act. For further information on these changes please see the following link: <http://conservationontario.ca/policy-priorities/conservation-authorities-act/>.

***It is recommended that the ROW, where it diverges from the existing access road, be located as much as possible along areas of upland rather than in the wetland. During the site visit, this was discussed with the applicant. It is recommended that when the surveyor is in the field that if the ROW needs to be re-aligned to avoid low, wet areas that this should occur and be determined during any survey.***

### Township Official Plan

The Township of South Frontenac's Official Plan indicates that Bob's Lake (Green Bay) is a "highly sensitive lake trout lake".

### Bobs Lake Catchment Report – Green Bay

The water quality for Green Bay is indicated as good according to the Tay River – Bob's Lake Catchment Report. This report also indicates that nutrient concentrations are consistently below established guidelines. As indicated in the Township's Official Plan, Green Bay is known to be an at-capacity lake trout lake.

### Existing access road

The current access road appears to be at an elevation which is below the regulated flood level for Bob's Lake. Therefore, during spring freshet or storage conditions, the access road may be periodically inundated by water.

### Construction of ROW

During any construction of the future ROW the applicant should erect silt fencing before any vegetation removal is contemplated and maintain the fencing until after the site has re-naturalized. In addition, if the applicant will be entering into a development agreement with the Township it should also state that road construction should, as much as possible, utilize the existing access road and avoid additional construction within the unevaluated wetland.

It is important to note that the proposed ROW will mostly make use of the existing ROW. A portion of land will be cleared to permit water access to Green Bay, but this is preferred to water access across "mud bay". During the site visit it was observed that the majority of "mud bay" is an unevaluated wetland. Allowing boat access through this area would potentially be more disruptive to the natural environment. The access over 942 Sunset Shores Lane is preferred as it utilizes an existing ROW and will have a lesser disturbance on the natural vegetation. Once at the water's edge, a dock is proposed. It should be noted that the placement of any dock structure, or any interference with the shoreline, requires a permit from the RVCA in accordance with Ontario Regulation 174/06 "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses".

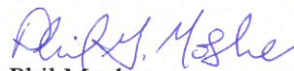
### **Conclusions**

In conclusion, The Rideau Valley Conservation Authority has no objection to the subject application. The RVCA would like its comments and recommendations noted on any decision made by the Committee.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 267-5353 x 131 should you have any questions.

Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

Yours truly,



Phil Mosher  
Planner, RVCA

cc – Joanne McGurn - KFLA  
- Norman Mole ([norm.mole@sympatico.ca](mailto:norm.mole@sympatico.ca))

Lawrence Pick  
701 Sunset Shores Lane  
South Frontenac Township  
416-440-4131  
613-375-6738

August 1, 2018

To: Committee of Adjustment, South Frontenac

And To: J. Kapusta, planner, Twp. Of South Frontenac

Re: Application of Norm Mole for right of way to Green Bay for Lot 20.

Dear Sirs,

I am a long-time cottager on the Sunset Shores Peninsula and write this letter to the Committee by way of comments on the application of Norm Mole for a right of way to Green Bay from Lot 20 on Plan 1593. I have known Mr. Mole for many years.

Fundamentally I do not oppose the application of Mr. Mole. My letter is intended to set a framework to ensure that any approval by the Committee confirm in writing the following aspects:

(a) The new proposed right of way should only benefit Lot 20. The right of way should not benefit other lands, such as Block G or other blocks in Plan 1593. I understand that Mr. Mole agrees with this proposition.

The committee should note that there are interior lands on the Sunset Shores Peninsula, known in part as Block G, which lands are to the east of Sunset Shores Lane, opposite where the proposed right of way starts. There is a legal risk here that the right of way would come to benefit Block G, with the result that a key hole development could be proposed in the future or be enabled by the right of way. The solution is for the Committee to use appropriate legal language to ensure that the proposed right of way only benefits Lot 20 and not other lands.

(b) The proposed right of way is in the nature of deeded water access. It does not need to be 20 meters wide. For the purpose of water access the right of way can be 5 or 10 meters wide. The committee should not be approving a new roadway to the water's edge, and that does not seem necessary in light of the intent of the application. We need to protect Green Bay and the waterfront as much as possible. In sum, the proposed right of of way should be between 5 and 10 meters wide at most.

Best regards,



Lawrence Pick

## Jennie Kapusta

---

**From:** norman mole <norm.mole@sympatico.ca>  
**Sent:** August 1, 2018 10:05 PM  
**To:** Jennie Kapusta  
**Cc:** 'mirjana milosevic'  
**Subject:** Consent Application S-68-18-B  
**Attachments:** Lot 20 issue 2.docx

Jennie Kapusta  
Deputy Secretary-Treasurer  
Committee of Adjustment

Dear Jennie,

The attached memo that I sent out to the Members of the Sunset Shores Peninsula Association is for your information and that of the Committee of Adjustment.

I understand that a Lawrence Pick, seasonal resident of Sunset Shores has sent a memo to you and the Committee of Adjustment expressing concern regarding my request for a Right of Way for my Lot 20 over my Block D to navigable water on Green Bay.

It's my belief that Mr. Pick is sending his note on behalf of three cottagers, all of whom are part of the negative old guard underground. Only one of these cottagers could be affected by the ROW as his lot, lot 19 I believe, is located adjacent to my Block D or 942 Sunset Shores. The proposed ROW is 200 feet from his lot line! The other parties are not within 1- 2 kilometers of the proposed ROW, so other than animosity/jealousy or other ancient history dating back, to when, in mid-1999, then Mayor Phil Leonard denied this groups objection to my purchase of 5 lots and my application to build on Block "D" .

I believe the included memo is self-explanatory and I'm asking the committee to grant the 20 meter ROW as requested. The 20 meter ROW is from one of my properties over another of my properties and has been reviewed by and supported by the Rideau Valley Conservation Authority.

I plan on attending the meeting at 7PM on August 9 and will answer any questions posed by yourself or the Committee of Adjustment.

For your information and that of the committee, I have positive written input from five families, three of whom are in close proximity to the issue.

Best regards,

Norm Mole  
30 year Seasonal Resident  
613-375-8321

PS I've paid taxes on up to 6 lots or Blocks of Land over the past 30 years

July 30, 2018

To: Members of the Sunset Shores Peninsula Association

It was brought to my attention by email, that there were email rumors rampant on the peninsula regarding my application for a Right of Way (ROW) from one of my properties Lot 20, over another of my properties Block "D", to provide a 20 meter waterfront access on the main part of Green Bay .

In reading between the lines of the email, it seemed like déjà vu to my wife and me. We're back to the year 1999 when I had to fly back from Brazil to a Frontenac Township Council meeting to deal with the rumors spread by a "**secret society**" and their inability to come and talk to my wife and I face to face regarding what we had planned for the five (5) properties we purchased. (Lot 20 and Block "G" were two of the five properties. Seems like the same underground network is in action again. Where are my friendly neighbours???)

I explained to Tom Morrow, my closest and adjoining neighbour (as soon as I filed the application for the ROW) what I had planned for the ROW- lot 20 to my driveway at 942, I spoke to Jim Flett a couple of days ago and Lynn Watson yesterday, at the GBCL Association AGM regarding the same issue/application. I thought my message very clear and honest.

So, just in case I wasn't clear, here it is in a nutshell; I'm selling Lot 20 to my son to construct a 1700 square ft home (Sketches and Blueprints on order from Home Hardware Hartington). Negotiations happening with Glen McNichols for basement excavation and septic..... If you have a copy of the plan of sub-division for Sunset Shores, you can see that lot 20 is an approximately 3-acre parcel with 300 feet of shoreline on the back, mud bay and abuts my block "D" (942 Sunset Shores Lane).

To provide good navigable frontage on Green Bay and not disturb the 300 feet of wetland area, which isn't navigable after the end of July, I'm looking for a Right of Way from lot 20 to my property 942 SSL and 20 meters of frontage on the deep-water side of my peninsula property on Green Bay. That's it, plain and simple! Nothing to do with any nefarious scheme that involves Block "G"! I'm doing a ROW request according the civic requirements that will be deeded and legal, so that when my demise arrives there will be a legal access to deep water on Green Bay for Lot 20.

Please feel free to visit me at my Sunset Shores Lane address (942) or email me at this sympatico address or call on my phone and I'll gladly attempt to allay any fears/concerns, in person, by email or over the phone.

My plans for the 25-acre parcel (Block "G") which by-the-way seems to be the issue, are not part of this application or any planned application! I've spoken to some on the lane who care, that I'd like to make the centre piece, an open forest area or turn it over to the Nature Conservancy. However, I've paid taxes on the block for 18 years and I'd be pleased to sell the parcel of land to anyone or a consortium of truly concerned residents for \$80,000.00, provided the person or consortium signs an affidavit to be registered with the deed to the effect that the land will be retained as an open forest area, open only for walking trails. I can make a sale happen for an interested party or parties in a week or two through my lawyer, Steve Duggan in Sharbot lake! So, please let me know.

Please, also note that I provided the impetus to acquire train and maintain an Emergency water pump to protect our Peninsula, I test the water quality for the MNR on Green Bay (10 years), I'm an ex Director of the GBCLA and the past President of the Bobs and Crow Lake Foundation. I'm the Sunset Shores Lane Operations Prime and have spent many hours working with our Road Committee to make our Sunset Shores Lane safe for the residents. I also assisted Don and Marilyn Caldwell to acquire the land for our refuse and recycling centre, from Stef Nybom and for the leveled gravel area and Bins etc from Mark Segsworth, the Frontenac Road Supervisor. **So, I'd suggest that this is evidence that I'm not some scheming developer trying to "pull the wool over the eyes" of the unsuspecting residents of Sunset Shores!**

I'm interested in the protection of our lake, the Sunset Shores Peninsula and lane, along with the environment!

Regards,

Norm Mole

942 Sunset Shores Lane

Norm.mole@sympatico.ca

613-375-8321

PS In the past 18 years I could have realized significant dollars by doing a variety of things on Block "G" . I chose not to do that and continue along this path.

PPS I've told anyone that enquired or was fond of walking or hiking on this section of the peninsula to do it with my blessing. "Take nothing with you but pictures and leave nothing behind but footprints"!





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** August 2, 2018

**Application No:** S-69-18-P  
**Owner:** Robin Pepper  
**Location of Property:** Concession 14, Part Lot 6, 6724 Craig Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received approve application S-69-18-P for the creation of one new lot subject to conditions.

### Proposal

Application for consent has been submitted for the creation of one new lot at Part Lot 6, Concession 14, District of Portland, municipally known as 6724 Craig Road (see attached map). The existing lot has road frontage along Craig Road and waterfrontage along Howes Lake. The subject property is developed with a dwelling and accessory buildings that are located along Howes Lake. The applicant is proposing to sever approximately 2.75 acres from the existing 8.5 acre lot in order to create one new rural residential lot. Previous consent applications have been applied for lot additions to neighbouring waterfront properties and for severance applications that were approved but lapsed.

#### S-69-18-P

Consent application S-69-18-P is for the creation of a vacant rural residential lot. The proposed new lot will have approximately 130 metres of frontage along Craig Road and is approximately 2.75 acres in area. The new lot will not have frontage on Howes Lake. The lot will be irregularly shaped due to the configuration of the existing lot. It is the intent of the lot to be created for a single detached dwelling. There is a right-of-way, Creek Lane, which runs along the eastern portion of the lot to be severed that services waterfront lots along Howes Lake. The severance application will not impact the access to the waterfront properties.

#### Retained Lot

The retained lands will consist of approximately 5.8 acres in area. The application indicates that the frontage of the retained lands along Craig Road will be 249 ft; the Township road frontage requires 250 ft (76 metres) of frontage along the Township zone. Township staff confirmed with the applicant that the lot line can be shifted to ensure the minimum road frontage is met. The retained lands will also have approximately 290 feet of frontage along Howes Lake; this is the current waterfrontage and is not being reduced with the application. The retained lands will have frontage on Craig Road but are accessed by private right-of-way to the south of the property. No additional development is proposed for the retained lands.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
Current Official Plan Designation: Rural  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: UR1 (Urban Residential First Density)  
Complies with Zoning Bylaw 2003-75: Zoning bylaw amendment recommended condition of consent

#### Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The consent application will result in one new rural residential lot with frontage along Craig Road that can be adequately serviced.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The proposed lot is not located along the waterfront and as such was not circulated to the conservation authority for comment.

### **County of Frontenac Official Plan, 2016**

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. KFL&A Public Health was circulated as part of the application review process to ensure that the retained lot and severed lot could be adequately serviced. Comments dated July 25, 2018, indicated that Public Health has no objection to the application.

### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. Lots shall be serviced by private water and sanitary sewage disposal systems. The proposed severance and retained lot conform to the Rural designation policies of the Plan.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Urban Residential – First Density (UR1) in the Township of South Frontenac Zoning Bylaw. The intent of the UR1 zone is to permit residential development and accessory uses in the settlement area. As a condition of the consent application, planning staff are recommending that the retained lot be rezoned to Waterfront Residential to recognize the fact that the property has waterfrontage on Howes Lake and is located on a Township maintained road (Craig Road). The severed lot is recommended to be rezoned to Rural (RU) to recognize that the lot has frontage on a Township road, but with no water frontage.

### **Agency Analysis and Comments**

KFL&A Public Health – Comments dated July 25, 2018 indicate that Public Health has no objection to the proposed severance. Soil conditions on the lot will require additional suitable granular soil to be indicated on the application prior to site development. The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent upon the proposal submitted.

Public Works – Public Works Department confirmed that there is a suitable location for an entrance from Craig Road for the severed lands. Without considerable work, there is no entrance that would be permitted for the retained lands from Craig Road.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Public Comments – At the time of writing, no formal comments have been received from the public. A phone call was received with concerns over additional traffic on Creek Lane. Public Works Department have determined that there is a suitable location for an entrance from Craig Road; however, the severed lands will maintain ownership of Creek Lane which will permit use of the lane.

### 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-69-18-P shall be for the creation of a rural residential lot that is approximately 2.75 acres in area with approximately 130 metres of frontage along Craig Road.
3. The land to be retained by Consent Application S-69-18-P shall have a minimum road frontage of 76 metres (250 ft) along Craig Road and an area of approximately 5.8 acres in area.
4. 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.
5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. 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.
7. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-69-18-P, in lieu of parkland [Planning Act, s. 51(1)].
8. The Owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through Consent Application S-69-18-P.



REPORT TO COMMITTEE OF ADJUSTMENT  
PLANNING DEPARTMENT



9. That the Owner shall submit evidence of legal deeded access to the existing residence on the retained lands as part of Consent Application S-69-18-P.
10. That the Owner shall obtain an amendment to the Township of South Frontenac Zoning Bylaw to rezone the severed lot from Urban Residential – First Density (UR1) to Rural (RU) and the retained lands from Urban Residential – First Density (UR1) to Waterfront Residential (RW).

Attachments

Map of Pepper property.  
Site visit images from August 1, 2018.

Submitted/approved by: Megan Rueckwald, Manager of Community Planning, County of Frontenac





**Pepper  
S-69-18-P**

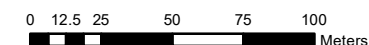
## Legend

-  Pepper Property
-  Pepper Proposed Lot

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 1:2,661



UTM Projection NAD 83



CONSENT TO SEWER  
INSPECTION REPORT

| File Number:<br>S-69-18-P                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   | Receipt Number:<br>SK-36-2018     |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------|----------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------|-----|-------|-------|-------|-------|-------|
| Owner(s):<br>Pepper, Robin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| Municipality:<br>South Frontenac                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   | Ward/Former Township:<br>Portland |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| Lot<br>6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Concession<br>14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Registered Plan                   | Part(s),                          | Plan of Subdivision: | Sublot: |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| <p>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</p> <p>Severed:   Wooded, rocky, undulating</p><br><br><br><br><br><br><br><br><br><br><p>Retained:   Wooded, rocky, undulating</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| <p>Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar. Show estimated permeability (good, fair, poor) for each part where natural soil is acceptable.</p> <table border="1"><thead><tr><th>Severed</th><th>Depth of Soil</th><th>Retained</th></tr></thead><tbody><tr><td rowspan="6">Silty Sand/Rock</td><td>0.0 m</td><td rowspan="6">N/A</td></tr><tr><td>0.3 m</td></tr><tr><td>0.6 m</td></tr><tr><td>0.9 m</td></tr><tr><td>1.2 m</td></tr><tr><td>1.5 m</td></tr></tbody></table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   |                                   |                      |         | Severed                                                                                                                                                                                                                                    | Depth of Soil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Retained                                                                                                                                                                                                              | Silty Sand/Rock          | 0.0 m | N/A | 0.3 m | 0.6 m | 0.9 m | 1.2 m | 1.5 m |
| Severed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Depth of Soil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Retained                          |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| Silty Sand/Rock                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.0 m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A                               |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.6 m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.9 m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1.2 m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1.5 m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| Percolation rate (estimated): T>50min/cm                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   | Percolation rate (estimated):     |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| <p>NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</p> <p>Suitability for on-site sewage disposal:</p> <table border="1"><tr><td><p><b><u>SEVERED</u></b></p><p><input checked="" type="checkbox"/> Satisfactory</p><p><input type="checkbox"/> Unsatisfactory</p><p><input checked="" type="checkbox"/> Site Flexible</p><p><input type="checkbox"/> Site Specific</p></td><td><p>Conditions:   - Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p><p>                  - The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System.</p></td></tr><tr><td><p><b><u>RETAINED</u></b></p><p><input type="checkbox"/> Satisfactory</p><p><input type="checkbox"/> Unsatisfactory</p><p><input type="checkbox"/> Site Flexible</p><p><input type="checkbox"/> Site Specific</p></td><td><p>Conditions:   N/A</p></td></tr></table> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   |                                   |                      |         | <p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> | <p>Conditions:   - Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> <p>                  - The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System.</p> | <p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> | <p>Conditions:   N/A</p> |       |     |       |       |       |       |       |
| <p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Conditions:   - Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> <p>                  - The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System.</p> |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| <p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Conditions:   N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                   |                                   |                      |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |
| Inspector: Miranda Iezzi<br>CPHI(C), Public Health Inspector                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Approved: <i>M Iezzi (for SM)</i> |                                   | Date: July 25 2018   |         |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                       |                          |       |     |       |       |       |       |       |

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

## Jennie Kapusta

---

**From:** s walker <sherry.walker37@gmail.com>  
**Sent:** August 2, 2018 5:11 PM  
**To:** Jennie Kapusta  
**Subject:** Application #S-69-18-P

Our comments as property owners are regarding drainage and lane usage. Our property is one of the lowest areas and is subjected to heavy runoff in the spring etc which results in our property eroding. We would request that any lot/building would be planned in such a way that does NOT increase the seasonal runoff down the Creek Lane into the lower lot areas on the lake.

Also, as this is a jointly maintained road (which does not include participation by Mr. Pepper), that any destruction of Creek Lane should be corrected during construction on the proposed new lot by the builders/owners, so as to not interfere with current property owners adversely.

Thank you for your consideration of our concerns.

Sherry and Clint Walker



## PLANNING REPORT – CONSENT APPLICATION

Report Date: August 2, 2018

**Application No:** S-70-18-B and S-71-18-B  
**Owner:** St. Arnaud and Walker  
**Location of Property:** Concession 5, Part Lot 28, District of Bedford, Township of South Frontenac (St. Arnaud Acres)  
**Purpose of Application:** Consent to create two new water access lots  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** applications S-70-18-B and S-71-18-B for the creation of two new water access lots.

### Proposal

Two applications for consent have been received for the creation of two new water access lots from an existing property at Part Lot 28, Concession 5, District of Bedford, commonly referred to as St. Arnaud Acres (see attached map). The existing lot has frontage on Bobs Lake and is approximately 144 acres in area. The subject property is located on a large peninsula that projects into Bobs Lake. The subject property is currently developed with a cottage with the remainder of the property being heavily vegetated with unevaluated wetlands and a watercourse. The applicant is proposing to sever approximately 24 acres from the existing 144 acre lot in order to create two new lots. Legal deeded parking will be provided for the new water access lots at the location where the current parking is deeded; sufficient area exists to accommodate the additional vehicles.

#### S-70-18-B

Consent application S-70-18-B is for the creation of a vacant water access lot. The proposed new lot will have approximately 230 metres of frontage along Bobs Lake and is approximately 14 acres in area. The lot will be irregularly shaped due to the configuration of the waterfront with an average depth of 275 metres approximately.

#### S-71-18-B

Consent application S-71-18-B is for the creation of a vacant water access lot. The proposed lot will have approximately 131 metres of frontage along Bobs Lake and is approximately 8 acres in area. The lot will be regularly shaped with a depth of approximately 240 metres.

#### Retained Lot

The retained lands will consist of 120 acres in area with approximately 260 metres of frontage along Bobs Lake. The retained lands will contain the seasonal dwelling located on the property. No further development is proposed for the retained lands.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
Current Official Plan Designation: Rural  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: Rural  
Complies with Zoning Bylaw 2003-75: Zoning Bylaw Amendment recommended condition

### Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and



Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits resource-based recreational uses (including recreational dwellings) on rural lands in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The consent application will result in the creation of two new water access lots that can be adequately serviced. The proposed lots exceed the Township minimum provisions for the creation of new lots in the rural designation.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. Rideau Valley Conservation Authority (RVCA) was circulated the application and has no objection to the proposed severances.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. RVCA noted in their report that the presence of steep slopes on the relatively level area should be afforded at least a 15 metre setback from the top of any slope. The Township's Zoning Bylaw requires a 15 metre setback from the top of bank of any embankment, the slope of which is greater than 30% from horizontal.

#### **County of Frontenac Official Plan, 2016**

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Section 3.3.3.4 Waterfront Areas contains policies for waterfront development including the goal to improve and protect waterfront areas.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The application was circulated to KFL&A Public Health to ensure the lots could be adequately serviced; KFL&A Public Health has no objection to the proposed severances.

#### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.7 Limited Service Residential Policies states that limited service residential development is generally located in the Rural area on a body of water where primary means of access is from private road or navigable waterway. Permitted uses on these properties are limited to single detached residential dwellings and seasonal residential dwellings. Section 5.7.7 (iii) contains policies for water access lots. Lots that are water access only must have demonstrated availability of adequate potable water and a satisfactory method of sewage disposal. The owner of the water access lot is required to demonstrate to Council that land and mooring facilities are available to permit the parking of automobiles and storage and docking of boats. The minimum lot size for new water access lots shall generally be 2 hectares (5 acres) in order to minimize impacts in these remote areas.

As a condition of severance approval for all limited service residential lots, the owner shall enter into a development agreement with the Township acknowledging that the Township does not maintain or repair private roads, does not provide municipal services, owners are responsible for all costs, the Township is not responsible for loss or damage from the owner's failure to maintain the private road and the owner agrees to indemnify the Township for any loss or damage. Due to the fact that the lots being created are water access, planning staff are not recommending that a development agreement with these conditions being included.



Section 7.1.1 Special Severance Policies – Shallow and Narrow Bodies of Water states that no lot with waterfrontage shall be approved adjacent to a narrow waterbody unless the water frontage is at least 150 metres in order to ensure safe boating and swimming conditions, to avoid an overdeveloped appearance and to help ensure reasonable separation between residential uses. A narrow waterbody is an area where the general distance from shoreline to shoreline is 150 metres for a lake. Across from consent application S-70-18-B is an island which from shoreline to shoreline is approximately 50 metres. The proposed severance has waterfrontage of 230 metres which exceeds the requirement for narrow waterbodies. Consent application S-71-18-B is not located across from the island and as such the narrow bodies of water policies do not apply.

The proposed lots exceed the minimum requirements for water access lots, can be adequately serviced, and have legal deeded parking with space for automobiles and associated vehicles. The proposed severances conform to the Township of South Frontenac Official Plan.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (R) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. Planning staff are recommending that the severed lots be rezoned to Limited Service Residential – Waterfront (RLSW) zone to limit the permitted uses on the subject property to a dwelling, a dock, accessory buildings and a home occupation. The RLSW zone recognizes that the lot is not accessible by a Township maintained road. The proposed severances exceed the zone provisions for the creation of waterfront lots.

Planning staff are not recommending that the retained lands be rezoned to RLSW due to the large area of the lands and the fact that they are already developed. A change of use of the retained lands from residential to another use may require additional planning approvals and confirmation that there is adequate access for the proposal.

### **Agency Analysis and Comments**

Rideau Valley Conservation Authority – Comments dated July 25, 2018, indicate that RVCA has no objection to the proposed severances. RVCA note that there are unevaluated wetlands that they strongly recommend are retained in their natural state; a watercourse was also noted that requires permission prior to the completion of any work in the vicinity; and the presence of a steep slope. A copy of the letter has been forwarded to the applicants.

KFL&A Public Health – Comments dated July 27, 2018, indicate that Public Health has no objection to the severances and that additional suitable granular soil will be required as determined in the Application to Construct a Sewage System prior to site development.

Public Comments – As of the time of writing, no comments have been received from the public.

### **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-70-18-P shall be for the creation of a water access lot that is approximately 14 acres in area with approximately 230 metres of frontage along Bobs Lake with legal deeded parking along Burns Lane.
3. The land to be severed by Consent Application S-71-18-P shall be for the creation of a water access lot that is approximately 8 acres in area with approximately 130 metres of frontage along Bobs Lake with legal deeded parking along Burns Lane.
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 the parcel to be severed through Consent Application S-70-18-P and S-71-18-P, in lieu of parkland [Planning Act, s. 51(1)].
7. That the applicant shall rezone the severed lands from Rural (RU) to WRLS to recognize that the lots are not accessible by a Township maintained road and limit the permitted uses on the subject property.

## Attachments

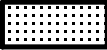
Map of St. Arnaud and Walker property.

**Submitted:** Megan Rueckwald, Manager of Community Planning, County of Frontenac



**ST. ARNAUD  
S-70-18-B  
S-71-18-B**

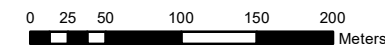
**Legend**

-  St Arnaud property
-  S-70-18-B (14 acres)
-  S-71-18-B (8 acres)

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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 1:5,000



UTM Projection NAD 83



July 25, 2018  
18-SF-SEV (Bedford)

Township of South Frontenac  
Land Division Committee  
Box 37  
Perth, Ontario  
K7H 3E2

Attention: Jennie Kapusta

Subject: **ST. ARNAUD, William & WALKER, Janice;** Application for Consent **S-70-18-B & S-71-18-B** – Part Lot 28, Concession 5; Burns Lane; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029010050109010000

Dear Ms. Kapusta,

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject application within the context of:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses” regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Tay River – Bobs Lake Catchment Report;
- The Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies

### The Proposal

The Rideau Valley Conservation Authority understands this proposal to be for the creation of two new lots to be severed from the existing land holding (indicated as St. Arnaud Acres or Burns Lane). Application S-70-18-B proposes to create a 5.6 hectare parcel with 231 metres of frontage on Bob’s Lake. Application S-71-18 proposes to create a 3.2 hectare parcel with 131 metres of frontage on Bob’s Lake. The retained lands would be approximately 40 hectares with a frontage of 262 metres on Bob’s Lake.

### The Property

The subject property is located on part of a larger peninsula that is located on Bob’s Lake. It is located in the area known as the “Central Narrows” according to the Bobs Lake Catchment Report. An unevaluated wetland was observed during the site visit as was a watercourse. The property has steep slopes down to the water but has a relatively level area commencing about 30 to 40 metres from the average high water mark from Bob’s Lake. West of the relatively level area, another steep slope is encountered on both lots. A review of our mapping did not indicate the presence of floodplain hazards, nor any indication of unstable slopes.

## **Review Comments and Recommendations**

### Unevaluated Wetlands

During the site visit, unevaluated wetlands were observed. Unevaluated wetlands are currently not regulated by the Conservation Authority, however they may become regulated under the Conservation Authorities Act in the future (please see note on Section 139 further in this letter). Given the numerous benefits of all wetlands, the Conservation Authority strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of plants and animals (often including fish). The Conservation Authority strongly recommends that these features be retained in their natural state in advance of any regulation.

Please note: Bill 139 received Royal Assent on December 12th, 2017 which included amendments to the Conservation Authorities Act and redefines the Conservation Authority's role in watershed management, climate change adaptability and natural hazards. Among the changes, a new Section 28 specifically changes regulation of areas over which authorities have jurisdiction. As a result, the RVCA will be reviewing the implementation of our policies and procedures to comply with the updated Conservation Authorities Act. For further information on these changes please see the following link: <http://conservationontario.ca/policy-priorities/conservation-authorities-act/>.

### Bobs Lake Catchment Report – Central Narrows

The water quality report for Central Narrows is “fair” according to the Bobs Lake Catchment Report. This rating has been assigned due to nutrient concentrations (total phosphorus and total kjeldahl nitrogen) exceeding their respective guideline. Care should be taken to avoid further nutrient enrichment which can fuel the growth of algae and deplete oxygen levels. This can be achieved through the use of class 4 septic systems and phosphate-free soaps and detergents. Once homes are constructed on vacant lots regular septic maintenance should be undertaken to ensure the system is properly functioning. The RVCA would recommend that these be considered during future construction.

### Rideau Lakes Study

Based on an application of the Rideau Lakes Study, an appropriate setback based on soil type, depth of soil, topography and vegetation cover would be 30 metres from the normal high water mark from Bob's Lake.

### Steep Slopes

The presence of the steep slopes west of the relatively level area should be afforded at least a 15 metre setback from the top of any slope. A geotechnical report may have additional setback requirements should one be undertaken.

### Watercourses

A watercourse was observed during the site visit and identified on the RVCA mapping prior to the visit. ***The applicants should be aware that any proposed alterations to the watercourse, including replacement of culverts, requires the prior written permission of the RVCA in***

*accordance with Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

#### Future Development

Should future development be subject to a site plan control agreement, the RVCA would have the following recommendations for conditions of said agreement:

- Roof runoff shall be collected and directed on-site and away from the services, into natural or constructed leaching pits and rain barrels to provide the greatest infiltration of surface runoff. Runoff should not directly outlet into Bobs Lake.
- Sediment and erosion controls between the construction area and Bobs Lake are to be installed prior to initiation of the work, to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township or Chief Building Official.
- All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater of Otty Lake at a proper disposal site.
- A planting plan shall be prepared and submitted as part of the site plan control agreement. This will be to the satisfaction of the Township.
- The following statement should be included in the site plan control agreement.

*"Should any work be undertaken along the shoreline permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses")."*

#### **Conclusions**

In conclusion, The Rideau Valley Conservation Authority has no objection to the subject applications. The RVCA would like its comments and recommendations noted on any decision from the Committee.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 267-5353 x 131 should you have any questions.

Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

Yours truly,



Phil Mosher  
Planner, RVCA

cc – Joanne McGurn - KFLA  
- Bill St. Arnaud ([bill.st.arnaud@gmail.com](mailto:bill.st.arnaud@gmail.com))

## CONSENT TO SEVER INSPECTION REPORT

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





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** August 3, 2018

**Application No:** S-72-18-P  
**Owner:** Dana and Angela Neumann  
**Location of Property:** Concession 5, Part Lot 5, 3886 Alton Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **defer** application S-72-18-P until comments from KFL&A Public Health have been received.

### Proposal

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 5, Concession 5, District of Portland, municipally known as 3886 Alton Road (see attached map). The existing property has frontage along Alton Road and is approximately 10 acres in area. The subject property is currently developed with a dwelling a garage. The applicant is proposing to sever approximately 3.75 acres from the existing 10 acres property in order to create one new lot.

#### S-72-18-P

Consent application S-72-18-P is for the creation of a vacant rural residential lot. The proposed new lot will have 76 metres of frontage along Alton Road and is approximately 3.75 acres in area. The lot will be regularly shaped with a depth of approximately 200 metres. A new entrance is proposed off Alton Road to accommodate future development on the vacant lot.

#### Retained Lot

The retained lands will consist of approximately 6.2 acres in area with approximately 120 metres of frontage along Alton Road. The retained lands will contain the dwelling and accessory building located on the property. No further development is proposed for the retained lands.

### Planning Analysis

Planning staff are recommending deferral of the application to allow the Committee of Adjustment to consider comments from KFL&A Public Health when making a decision.

**Submitted/approved by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

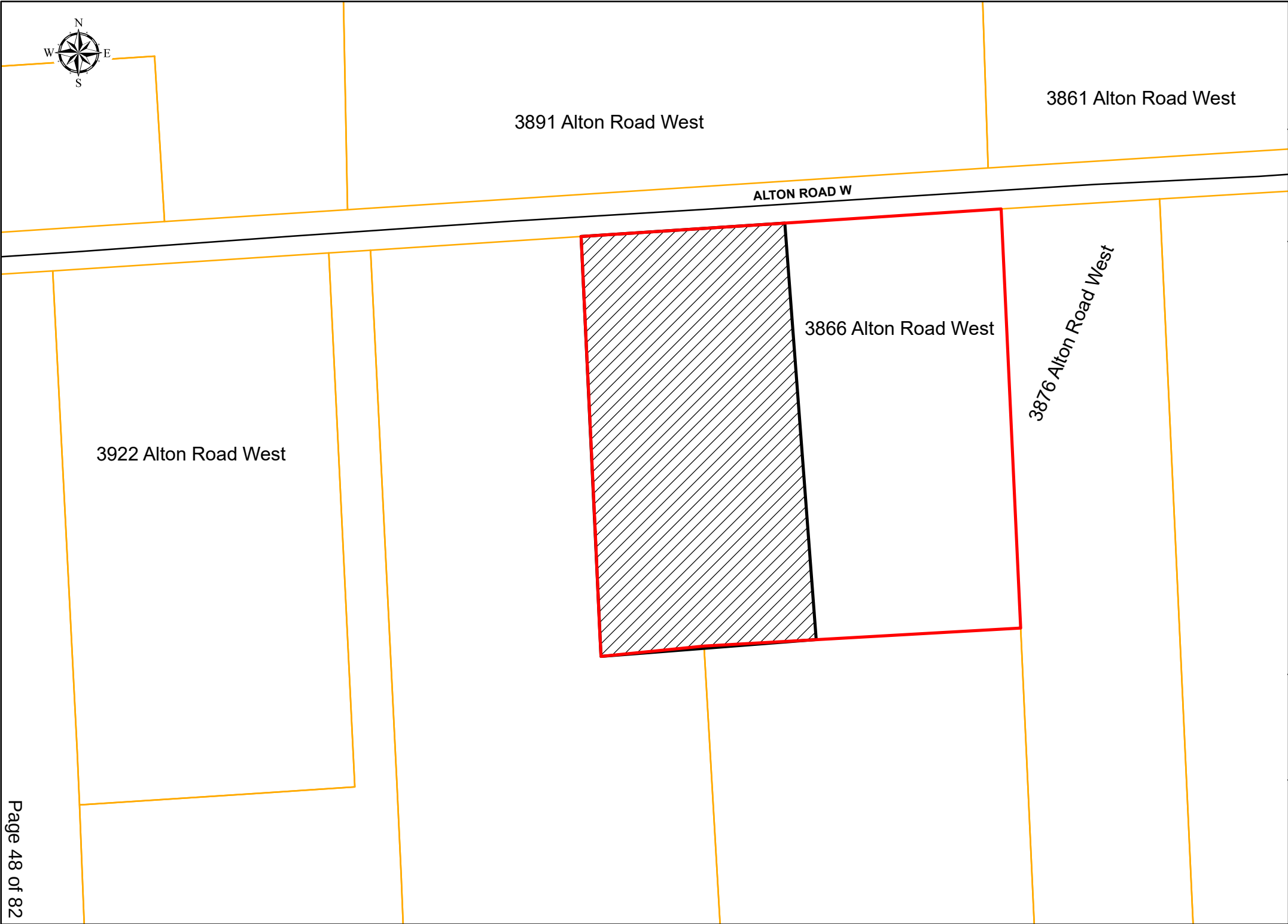
### Attachments

Map of Neumann property.  
Site visit images from August 1, 2018.



REPORT TO COMMITTEE OF ADJUSTMENT  
PLANNING DEPARTMENT





**NEUMANN  
S-72-18-P**

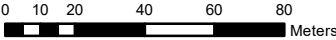
**Legend**

-  Neumann Property
-  Neumann Propsed Lot

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 1:2,169



UTM Projection NAD 83

**Environmental Health Department**

## CONSENT TO SEVER INSPECTION REPORT

|                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------|-----------------------------|----------------|
| <b>File Number:</b><br>S-72-18-P                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        | <b>Receipt Number:</b><br>SK-35-2018     |                             |                |
| <b>Owner(s):</b><br>Neumann, Dana & Angela                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b>Municipality:</b><br>South Frontenac                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        | <b>Ward/Former Township:</b><br>Portland |                             |                |
| <b>Lot</b>                                                                                                                                                                                                                                                                              | <b>Concession</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Registered Plan</b> | <b>Part(s),</b>                          | <b>Plan of Subdivision:</b> | <b>Sublot:</b> |
| 5                                                                                                                                                                                                                                                                                       | 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | FR332775               | 5                                        |                             |                |
| <b>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</b>                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b>Severed:</b>                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b>Retained:</b>                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b>Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar. Show estimated permeability (good, fair, poor) for each part where natural soil is acceptable.</b>                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b>Severed</b>                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Depth of Soil</b>   | <b>Retained</b>                          |                             |                |
|                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.0 m                  |                                          |                             |                |
| <u>Topsoil</u>                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.3 m                  |                                          |                             |                |
| <u>Shale/rock</u>                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.6 m                  | N/A                                      |                             |                |
|                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.9 m                  |                                          |                             |                |
|                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1.2 m                  |                                          |                             |                |
|                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1.5 m                  |                                          |                             |                |
| <b>Percolation rate (estimated):</b>                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        | <b>Percolation rate (estimated):</b>     |                             |                |
| <b>NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b>Suitability for on-site sewage disposal:</b>                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b><u>SEVERED</u></b>                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Conditions:</b>     |                                          |                             |                |
| <input checked="" type="checkbox"/> Satisfactory                                                                                                                                                                                                                                        | - Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.<br>- The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System.<br>-Ensure septic is placed in location where at least 10 inches of soil over rock is present. |                        |                                          |                             |                |
| <input type="checkbox"/> Unsatisfactory                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <input checked="" type="checkbox"/> Site Flexible                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <input type="checkbox"/> Site Specific                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b><u>RETAINED</u></b>                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Conditions:</b>     |                                          |                             |                |
| <input type="checkbox"/> Satisfactory                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <input type="checkbox"/> Unsatisfactory                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <input type="checkbox"/> Site Flexible                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <input type="checkbox"/> Site Specific                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                          |                             |                |
| <b>Inspector: Miranda Iezzi</b><br>CPHI(C), Public Health Inspector                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Approved:</b><br>   |                                          | <b>Date: July 30, 2018</b>  |                |

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



## PLANNING REPORT – CONSENT APPLICATION

Report Date: August 3, 2018

**Application No:** S-73-18-P  
**Owner:** Bond and Smart  
**Location of Property:** Concession 10, Part Lot 12, 5801 Cross Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-73-18-P for the creation of one new rural residential new.

### Proposal

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 12, Concession 10, District of Portland, known municipally as 5801 Cross Road (see attached map). The existing lot has frontage on Cross Road and Bellrock and is approximately 5 acres in area. The subject property is currently developed with a dwelling with the remainder naturally vegetated with cleared grass areas as well. The applicant is proposing to sever approximately 2 acres from the existing 5 acre property in order to create one new rural residential lot.

#### S-73-18-P

Consent application S-73-18-P is for the creation of a vacant rural residential lot. The proposed new lot will have approximately 76 metres of frontage along Cross Road and is approximately 2 acres in area. The lot will be regularly shaped with a depth of approximately 105 metres. A new entrance is proposed off Cross Road to accommodate future development on the severed lot.

#### Retained Lot

The retained lands will consist of approximately 3 acres in area with approximately 200 metres of frontage combined along Bellrock Road and Cross Road. The retained lands will contain the dwelling located on the property. No further development is proposed for the retained lands.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
Current Official Plan Designation: Rural  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: Rural  
Complies with Zoning Bylaw 2003-75: Yes

### Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The consent application will result in the creation of one new rural residential lot that can be adequately



served. The proposed lot meets the Township minimum provisions for the creation of a new lot in the rural designation for residential purposes.

Section 1.1.5.9 of the PPS requires that the creation of lots shall comply with the minimum distance separation formulae (MDS). A barn with the potential to house livestock was identified at 4584 Bellrock Road and an MDS I calculation completed for the creation of the new lot. The minimum distance from the livestock facility to the new lot was determined to be 125 m based on the capacity of the unoccupied facility. Section 5.41 of the Township Zoning Bylaw restricts the number of livestock, or nutrient units (NU) permitted to 5 NU on a property between 18-25 acres, such as the subject property. The MDS calculation for 5 NU results in a separation distance of 81 metres. A suitable building envelope exists on the subject property outside of the 81 metre radius.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The aerial imagery indicated that there is a wetland at the rear of the subject property, the majority of which is located on the neighbouring. A suitable building envelope exists on the subject property to build outside of the required setback.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

#### **County of Frontenac Official Plan, 2016**

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. KFL&A Public Health was circulated the application and have no objection to the proposed severance as confirmed in correspondence provided July 25, 2018.

#### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. Lots shall be serviced by private water and sanitary sewage disposal systems. The proposed severed lot meets the minimum lot sizes and frontage and is located along a Township road.

#### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (R) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The proposed new lot will meet the minimum lot area and frontage requirements for a single detached residential uses. The lot will result in infill development along Cross Road. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage.

Overall, the proposed severance application is consistent with the PPS for the creation of limited residential development on rural lands that can be adequately serviced. The proposed development conforms to both the County and Township Official Plan and meets the provisions for new lot creation in the Rural zone in the Township Zoning Bylaw.



## Agency Analysis and Comments

Public Works Department – Public Works has no objection to approving an entrance permit for the proposed lot.

KFL&A Public Health – In comments provided July 25, 2018, KFL&A Public Health indicated that they have no objection to the minor variance. Soil conditions on the lot will require additional suitable granular soil to construct the septic system. The proposed lot is flexible in siting the septic system, which will be determined when an application to construct a sewage disposal system is applied for.

Public Comments – As of the time of writing, no comments have been received from the public.

A site visit was completed by planning staff on August 1, 2018, to review the severance application.

## 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-75-18-P shall be for the creation of a lot with a minimum area of 2 acres with a minimum of 76 metres of frontage along Cross Road.
3. 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.
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 the parcel to be severed through Consent Application S-73-18-P, in lieu of parkland [Planning Act, s. 51(1)].
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-73-18-P.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

### Attachments

Map of Smart and Bond property.  
Site visit image from August 1, 2018.





**SMART  
S-73-18-P**

## Legend

-  Smart Property
-  Smart Proposed Lot

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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 1:1,807

0 5 10 20 30 40  
Meters

UTM Projection NAD 83



## CONSENT TO SEVER INSPECTION REPORT

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



## PLANNING REPORT – CONSENT APPLICATION

Report Date: August 3, 2018

**Application No:** S-74-18-B  
**Owner:** Snelgrove and Curragh  
**Location of Property:** Concession 2, Part Lot 1, 204 Frye Lane, District of Bedford, Township of South Frontenac  
**Purpose of Application:** Consent for lot addition  
**Date of Hearing:** August 9, 2018

---

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-74-18-B to facilitate a lot addition.

### Proposal

An application for consent has been submitted for a lot addition from Part Lot 1, Concession 2, District of Bedford, known municipally as 204 Frye Lane to Part Lot 1, Concession 11, District of Bedford known municipally as 302 Frye Lane (see attached map). The existing lot has frontage on Frye Lane with Lele Lane touching the property to the northwest and with frontage on Milk Lake and Big Clear Lake. The proposal is to sever approximately 0.85 acres to facilitate a lot addition to enlarge an existing waterfront lot.

#### S-74-18-B

Consent application S-74-18-B will facilitate a lot addition of approximately 0.85 acres of land to enlarge an existing waterfront lot at 302 Frye Lane.

#### Retained Lot

The retained lands will consist of approximately 10 acres in area that exceed the minimum requirements for lot frontage and frontage along the private lane.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
Current Official Plan Designation: Rural and Environmental Protection  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: Residential Limited Service – Waterfront (RLSW-53)  
Complies with Zoning Bylaw 2003-75: Yes, Zoning bylaw amendment recommended

### Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits resource-based recreational uses (including recreational dwellings). Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The lot addition will facilitate the enlargement of an existing waterfront residential lot on Buck Lake.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. An Environmental Protection area is designated on the subject property but not in proximity to the proposed lot addition.



Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

### **County of Frontenac Official Plan, 2016**

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Section 3.3.3.4 Waterfront Areas goal of the plan is to improve and protect the waterfront areas of Frontenac County; enlarging an existing lot will better protect the environment.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.7 Limited Service Residential Policies strive for the creation of waterfront lots that are 1 hectare (2.5 acres) in area. The proposal will increase the existing lot from approximately 1 acre to 2 acres, allowing for additional space for redevelopment if this should occur in the future.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Residential Limited Services – Waterfront Exception 53 (RLSW-53) in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW zoning is to permit seasonal and permanent residential dwellings on waterfront properties accessible by private lane. The exception zone is to recognize that no more than one additional lot may be created by consent on lands zoned RLSW-53 without plan of subdivision proposal.

## **Agency Analysis and Comments**

Public Comments – As of the time of writing, no comments have been received from the public.

A site visit was completed by planning staff on July 27, 2018, to review the lot addition proposal.

## **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-74-18-B shall be for the creation of an approximately 0.85 acre lot addition only to 302 Frye Lane (ARN 102901003007100).
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.



## TOWNSHIP OF SOUTH FRONTENAC [ TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



5. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
6. That the property conveyed through Consent Application S-74-18-B for the lot addition shall be rezoned to Residential Limited Service – Waterfront in order to create a single zone on the benefitting lands.

**Submitted/approved by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

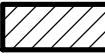
### Attachments

Map of Snelgrove and Curragh property.



**SNELGROVE  
S-74-18-B**

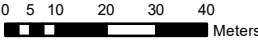
**Legend**

-  204 Frye Lane property
-  Snelgrove Lot Addition

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Scale 1:1,500

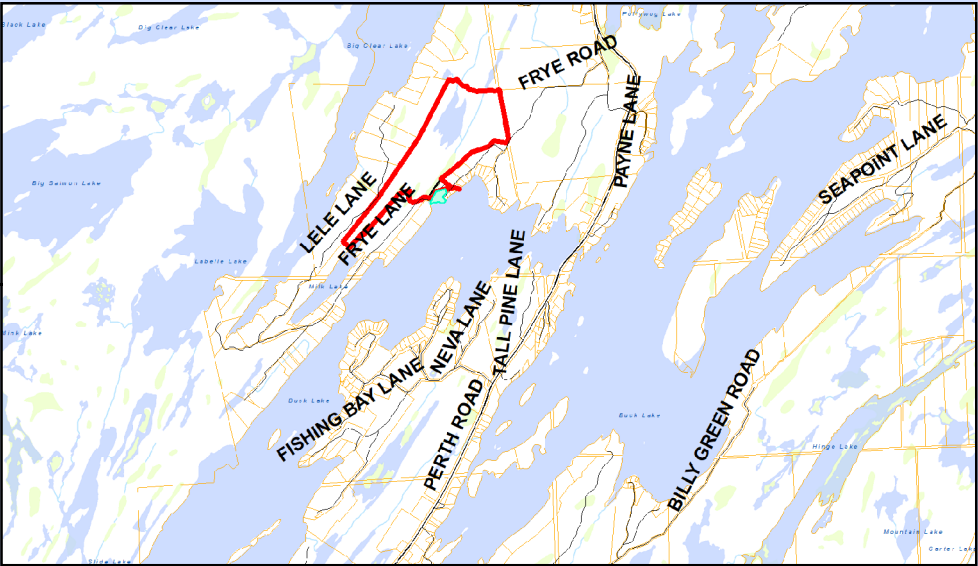


UTM Projection NAD 83

FRYE LANE

Buck Lake

Lot to be Enlarged





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

Report Date: August 2, 2018

**Application No:** S-75-18-P  
**Owner:** George Lappen  
**Location of Property:** Concession 12, Part Lot 25, 5743 Bellrock Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-75-18-P for the creation of one new lot.

### Proposal

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 25, Concession 12, District of Portland, known municipally as 5743 Bellrock Road (see attached map). The existing lot has frontage on Bellrock Road and is approximately 30 acres in area. The subject property is currently developed with a dwelling with the remainder naturally vegetated. The applicant is proposing to sever approximately 12 acres from an existing 30 acre property in order to create one new rural residential lot. The subject property is dissected by a Hydro One easement that provides electricity to the property at the end Deerhurst Road.

#### S-75-18-P

Consent application S-75-18-P is for the creation of a vacant rural residential lot. The proposed new lot will have approximately 260 metres of frontage along Bellrock Road and is approximately 12 acres in area. The lot will be irregularly shaped due to the road configuration with a depth of approximately 200 metres. A new entrance is proposed off Bellrock Road to accommodate future development on the severed lot.

#### Retained Lot

The retained lands will consist of approximately 18 acres in area with approximately 280 metres of frontage along Bellrock Road. The retained lands will contain the dwelling located on the property. No further development is proposed for the retained lands.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
Current Official Plan Designation: Rural  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: Rural  
Complies with Zoning Bylaw 2003-75: Yes

### Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



consent application will result in the creation of one new rural residential lot that can be adequately serviced. The proposed lot exceeds the Township minimum provisions for the creation of a new lot in the rural designation for residential purposes.

Section 1.1.5.9 of the PPS requires that the creation of lots shall comply with the minimum distance separation formulae (MDS). A livestock facility was identified at 5680 Bellrock Road and an MDS I calculation completed for the creation of the new lot. The minimum distance from the livestock facility to the new lot was determined to be 128 m. The proposed lot (and building envelope) are situated outside of the minimum distance.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. When completing the site visit, a small wetland was noted on the retained lands in close proximity to the existing development. Suitable land exists on the retained lands to build outside of the required setback from the wetland.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

### **County of Frontenac Official Plan, 2016**

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Due to the size of the severed lot, Township planning staff did not circulate the application to Public Health.

### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. Lots shall be serviced by private water and sanitary sewage disposal systems. The proposed severed lot meets the minimum lot sizes and frontage and is located along a Township road.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (R) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The proposed new lot will meet the minimum lot area and frontage requirements for a single detached residential uses in addition to rural uses including a hobby farm. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage.

### **Agency Analysis and Comments**

Public Works Department – Public Works has no objection to approving an entrance permit for the proposed lot.

Public Comments – As of the time of writing, no comments have been received from the public.

A site visit was completed by planning staff on August 1, 2018, to review the severance application.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



### 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-75-18-P shall be for the creation of an approximately 12 acre lot with approximately 260 metres of frontage along Bellrock Road.
3. 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.
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 the parcel to be severed through Consent Application S-75-18-P, in lieu of parkland [Planning Act, s. 51(1)].
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-75-18-P.

**Submitted/approved by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

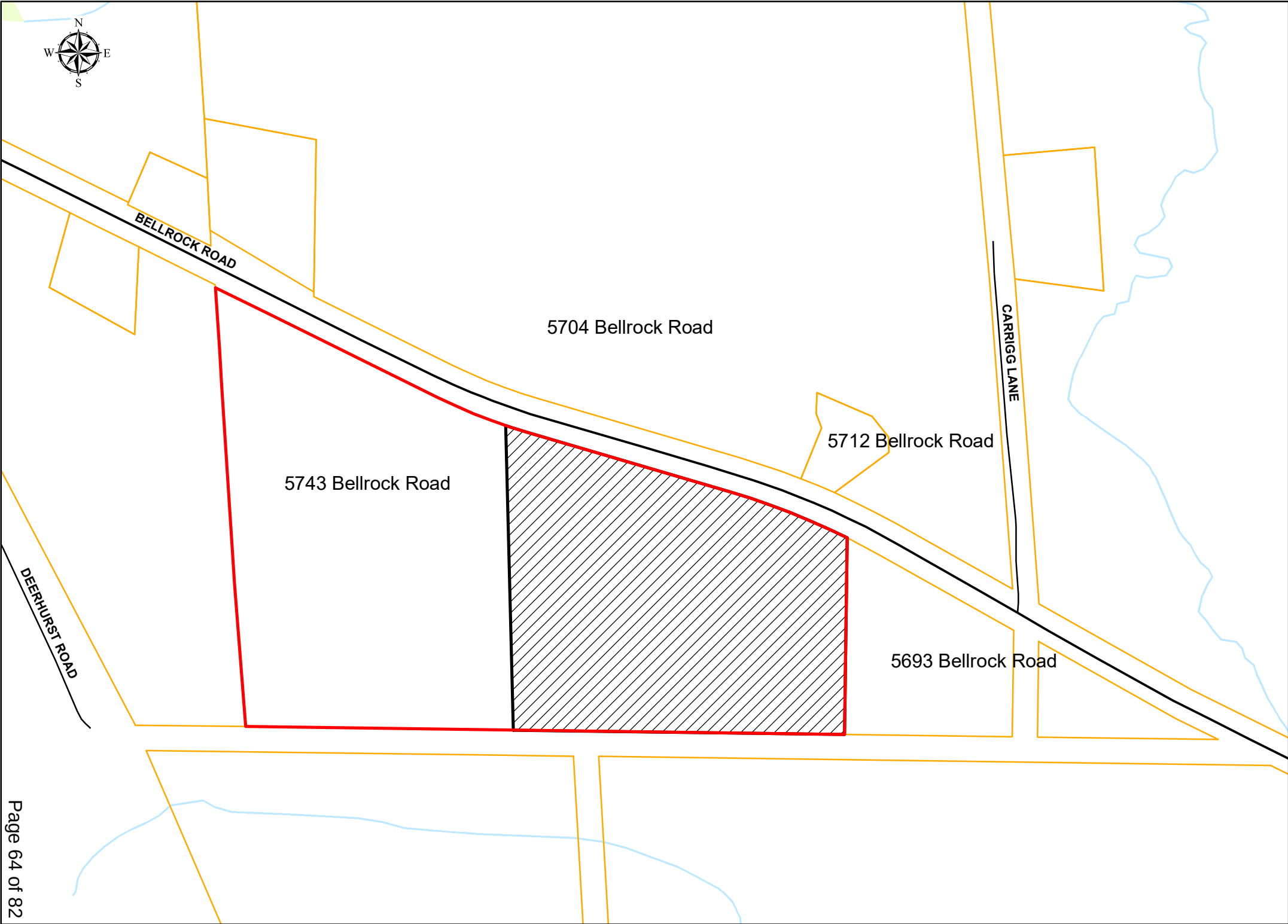
### Attachments

Map of Lappen property.  
Site visit image from August 1, 2018.



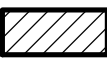
REPORT TO COMMITTEE OF ADJUSTMENT  
PLANNING DEPARTMENT





**LAPPEN  
S-75-18-P**

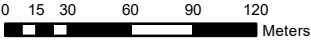
**Legend**

-  Lappen Property
-  Lappen Proposed Lot

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Scale 1:3,614



UTM Projection NAD 83



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** August 2, 2018

**Application No:** MV-16-18-P  
**Owner:** Michael Organ and Michelle McWhirter  
**Location of Property:** Concession 12, Part Lot 9, 1154 Deer Park Lane, District of Portland, 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 principal building lot coverage from 5% to 5.7% for the construction of a new deck and screened in porch.  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that minor variance application MV-16-18-P, which would to permit an increase in principal building lot coverage from 5% to 5.7% for the construction of a new deck and screened in porch, be approved.

### Proposal

An application for minor variance has been submitted to permit an increase in the principal building lot coverage from 5% to 5.7% to allow for the construction of a new deck and screened in porch at Concession 12, Part Lot 9, District of Portland, municipally known as 1154 Deer Park Lane (see attached map). The property has frontage on Fourteen Island Lake and is accessed by Deer Park Lane, a private road. The subject property is undersized compared to the current provisions for waterfront lots and contains an existing cottage outside the required setback.

The applicant is proposing to construct a deck and screened in porch along the waterside of the cottage outside of the required setback. The deck and screened in porch are approximately 13 metres by 10 metres for a total floor area of approximately 130 square metres (1,380 square feet). Stairs will be constructed between the proposed deck and the existing cottage to provide access. The existing cottage is approximately 2,424 square feet in area; with the proposed addition the total area of the principal building will be approximately 3804 square feet. This will result in a lot coverage of 5.7% (principal building – 3,804 square feet, lot area – 1.52 acres (66,211 square feet).

Minor variance is required to construct the deck as the principal dwelling will exceed the 5% lot coverage provisions:

1. Section 10.3.1: Principal Building Lot Coverage (Maximum) is 5%.  
Requested variance from this section:
  - a. Proposed principal dwelling with deck and screened in porch: 5.7% (variance request of 0.7%).

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

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

### Background

The subject property is an undersized lot with approximately 118 metres of frontage along Fourteen Island Lake and is approximately 1.52 acres in area. Lot depth is approximately 68 metres. The existing cottage is setback approximately 50 metres from the high water mark with the septic system located between the cottage and the water.

The surrounding area contains a mixture of developed and undeveloped waterfront lots along Fourteen Island Lake. The rugged topography of the lot limits the potential for additional accessory buildings or further expansion of the principal building. The setback from the high water mark to the proposed construction is heavily vegetated and left in a natural state.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Planning Analysis

### Current Official Plan Designation: Rural

The property is designated as Rural in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Rural designation speak to the importance of maintaining the rural character, natural heritage and cultural landscape in the Township. Following guidance from Section 5.7.7 (“Limited Service Residential Development Policies”), permitted uses in the Rural designation include single detached dwellings and seasonal residential dwellings. Development in the Rural designation shall be designed to preserve as much as possible a site’s physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents. The proposed minor variance application will replace and slightly enlarge an existing deck that is being rebuilt. The proposed structure is setback outside of the 30 meter required setback and outside of the 40 meter setback where written approval is required by Quinte Conservation Authority. The sites physical attributes, including the vegetated buffer, are being retained as the deck is being constructed on a similar footprint to the previous structure.

Limited service residential development shall be developed in accordance with the applicable policies of Section 5.2 (“Environmental Protection”). No Environmental Protection or Environmentally Sensitive Areas are identified on the subject property.

### Current Zoning: Limited Service Residential – Waterfront Exception Zone 51 (RLSW-51)

The property is zoned Limited Service Residential – Waterfront Exception Zone 51 (RLSW-51) in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW-51 zone is to permit waterfront development and recognize residential development accessible by private lane. A 30 metre setback is required from the high water mark of the waterbody with appropriate development standards for lake protection. The zone regulations require that the maximum lot coverage for the principal building is 5%. The proposed construction of a deck and screened in porch will replace a previous deck and further expand the footprint by approximately 100 square feet. Further, the proposed construction will not encroach into any required yard and there is an attached garage within the footprint of the existing cottage. As such, it is not anticipated that the variance of 0.7% will have an impact on the surrounding properties or character of the waterfront. The site specific zoning requires written approval from Quinte Conservation prior to the issuance of a building permit within 40 metres of the high water mark of Fourteen Island Lake. No accessory buildings shall be located in any front yard, except for a boathouse or dock, which has been approved by Quinte Conservation and the Ministry of Natural Resources.

A site visit was conducted on August 1, 2018, to observe site characteristics and determine desirableness of the proposed construction.

## Agency Analysis and Comments

Township Building Department – No objection to the minor variance.

Public Comments – As of the date of preparing the report, no comments have been received from the public.

## Conclusion

The proposed application which would permit an increase in lot coverage of the principal building from 5% to 5.7% to allow for the construction of a deck and screened in porch meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan because it is in keeping with the existing rural character and can be adequately serviced.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the deck will not encroach into the required yard setbacks and the additional lot coverage is not anticipated to impact character of the lot. The topographic constraints of the lot will limit the placement of accessory buildings on the property.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- The variance is desirable for the appropriate development of the lands in question as the deck and screened in porch are set outside of the required yards and will permit for additional enjoyment of the lands. The deck and screened in porch will permit the reconstruction and slight expansion of a deck that the applicants have noted was no longer safe.
- The variance is minor as the deck and screened in porch will replace an existing deck on the subject property, increasing the footprint by approximately 100 square feet. The increase in lot coverage of 0.7% above the maximum lot coverage is not anticipated to have an impact on the lake with the greater setback of approximately 46 metres.

### Recommended Conditions

1. This minor variance is for the construction of a deck and screened in porch with a combined area of 1380 square feet as per the plans submitted, to increase the maximum lot coverage to 5.7% for the principal building.
2. Minor variance MV-16-18-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

### Attachments

Map of Organ and McWhirter property.  
Images from site visit August 1, 2018.





**ORGAN  
MV-16-18-P**

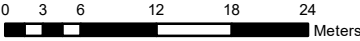
**Legend**

-  Organ Property
-  Organ Proposed Deck

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Scale 1:600



UTM Projection NAD 83

1150 Deer Park Lane

1154 Deer Park Lane

DEER PARK LANE

1145 Deer Park Lane

*Fourteen Island Lake*





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** August 2, 2018

**Application No:** MV-17-18-S  
**Owner:** Keitha Kirkham  
**Location of Property:** Concession 9, Part Lot 16, Ormsbee Road, District of Storrington, Township of South Frontenac  
**Purpose of Application:** To vary Section 5.8.2 b. of the Comprehensive Zoning Bylaw 2003-75 to permit a dwelling with an attached deck and a detached garage to be located 6 metres from the horizontal bank of surface and Section 8.3.1 of the Comprehensive Zoning Bylaw 2003-75 front yard minimum to 13 metres for the principal dwelling and 14 metres for the detached garage.  
**Date of Hearing:** August 9, 2018

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that minor variance application MV-17-18-S, which would permit a reduction in the setback from top of bank to 6 metres and front yard setback to a minimum of 13 metres to permit the construction of a dwelling with a deck and 14 metres from the detached garage, be approved.

### Proposal

An application for minor variance has been submitted to reduce the setback from top of bank from 15 metres to 6 metres and the front yard setback from 20 metres to 13 metres to permit the construction of a dwelling and 20 metres to 14 metres for the detached garage at Concession 9, Part Lot 16, District of Storrington, located along Ormsbee Road (see attached map). The property has frontage along Dog Lake and is accessed by Ormsbee Road, a township road. The subject property is undersized compared to the current provisions for waterfront lots and contains a steep embankment that dissects the property.

The applicant is proposing to construct a dwelling with a deck and detached garage along the top of the embankment outside of the waterbody setback but within the setback from top of bank of any embankment, the slope of which is greater than 30% from horizontal and front yard setback requirements. The proposed dwelling and deck are approximately 1,119 square feet and are setback 6 metres from top of bank and approximately 13 metres into the front yard setback from Ormsbee Road. A deck is proposed to be constructed along the side of the dwelling and connect with the sunroom on the cottage; a set of stairs will project from the deck to the east to provide access. The detached garage is proposed to be located approximately 6m metres from the top of bank and approximately 14 metres into the required 20 metre front yard setback.

Minor variance is required to construct the dwelling with attached deck and detached garage as the structures will be located within the required setback from top of bank and front yard setback:

1. Section 5.8.2 b.: No building or structure shall be located within 15 metres (49.2ft) horizontal of the top bank of any embankment, the slope of which is greater than 30% from horizontal.  
Requested variance from this section:
  - a. Proposed dwelling with deck and detached garage: 6 metres from top of bank (variance request of 9 metres).
2. Section 8.3.1: Front yard (minimum) is 20 metres.  
Requested variance from this section:
  - a. Proposed dwelling with deck and detached garage: 13 metres front yard setback for dwelling and 14 metres front yard setback for the detached garage (variance request of 7 metres and 6 metres, respectively).

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

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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- Is the application minor?

### Background

The subject property is a slightly undersized lot with approximately 130 metres of frontage along Dog Lake and approximately 2.2 acres in area. The lot is irregularly shaped with a depth that ranges from approximately 40 metres up to 105 metres. The septic system is proposed to be located behind the dwelling on the bank of the slope; KFL&A Public Health has no objection to the placement of the septic system. The embankment that dissects the property has been identified as a constraint to building; a slope assessment completed by Concord Engineering supports the placement of the structures in relation to the top of bank (Slope Assessment, prepared by Concord Engineering, dated July 19, 2018).

The surrounding area contains dwellings located on Dog Lake with larger rural properties located on the northern side of Ormsbee Road.

### Planning Analysis

Current Official Plan Designation: Rural

The property is designated as Rural in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Rural designation speak to the importance of maintaining rural character, natural heritage and cultural landscape in the Township. Section 5.7.4 ("Rural Residential Policies") include residential development as a permitted use. Lots are to be developed with private water and sanitary sewage disposal; KFL&A Public Health has no objection to the proposed variance.

Current Zoning: Waterfront Residential (RW)

The property is zoned Waterfront Residential (RW) in the Township of South Frontenac Zoning Bylaw. The intent of the RW zone is to permit waterfront development with uses restricted to residential and ancillary uses and which is located on a public road. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures. The zone provisions require a 20 metre front yard setback for the principal building. Section 5.24.2 ("Accessory Buildings") states that except as otherwise may be specified in this by-law, any accessory building which is not part of the main building shall be erected to the rear of the projected front or exterior side wall of the main building. The proposed detached garage will not project further into front yard setback than the dwelling.

Section 5.8.2 of the general provisions of the Bylaw require a 15 metre horizontal setback of the top of any embankment, the slope of which is greater than 30% from horizontal. The applicant consulted with planning staff and Cataraqui Region Conservation Authority staff regarding the placement of the dwelling and garage at the top of the embankment. The applicant retained Concord Engineering to complete a slope assessment. The slope assessment, dated July 19, 2018, considered the proposed development with regard to Section 3.1 of the Provincial Policy Statement. Section 3.1 Natural Hazards directs development to areas outside of hazardous lands. The assessment concluded that the proposed development would be in accordance with Section 3.1 of the Provincial Policy Statement. The Rideau Waterway Development Review Team provided comments dated August 1, 2018, stating that they have no objection to the minor variance.

A site visit was conducted on July 27, 2018, to observe site characteristics and determine desirableness of the proposed construction with relation to the reduction in front yard setback and top of bank setback.

### Agency Analysis and Comments

KFL&A Public Health – Comments dated July 24, 2018, indicate that Public Health has no objection to the proposed construction. Public Health noted that the septic is to be constructed on the north side of the ridge on the property, towards the road which slopes away from Dog Lake and where 10 inches of native soil over rock is present.

Rideau Waterway Development Review Team (RWDRT) – In comments dated August 1, 2018, RWDRT state they have no objection to the minor variance. RWDRT reviewed the application for natural hazards, including flooding and erosion, as well as water quality and the impact on the Rideau Canal Historic Site and UNESCO World Heritage Site. Staff have no concerns with the proposal from an erosion hazard perspective provided that the mitigation measures contained within the slope stability assessment are followed.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Township Building Department – A site visit was completed August 2, 2018, and the Building Department has no objection.

Public Comments – As of the date of preparing the report, no comments have been received from the public.

### Conclusion

The proposed application to permit the construction of a dwelling with deck and detached garage 6 metres from the top of bank of an embankment and the dwelling and detached garage 13 metres and 14 metres, respectively, from the front yard setback meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan because the proposed construction is for a rural residential property that can be adequately serviced.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the placement of the dwelling and garage seek to maximize the setback from the high water mark while also recognizing the front yard and top of bank setbacks. The slope assessment, prepared by Concord Engineering (July 19, 2018) and reviewed by the Rideau Waterfront Development Review Team, conclude that the placement of the dwelling and garage at 6 metres from the top of bank will not create a new hazard.
- The variance is desirable for the appropriate development of the lands in question as the dwelling and garage will allow for the lot to be developed as a rural residential property. The placement of the structures 6 metres from the top of bank will ensure that the 30 metre setback is achieved with a reduction in the front yard setback to construct the structures at a safe location along the top of the embankment.
- The variance is minor as the reduction in the top of bank will not result in public health and safety concern as confirmed by the Slope Assessment (Concord Engineering, July 19, 2018) and the reduction in the front yard setback results in the achievement of the 6 metre setback from top of bank.

### Recommended Conditions

\*\*Conditions are a decision of the Committee of Adjustment, the conditions below are recommended. The final approved conditions will be included in the signed decision.

1. Minor variance is for the construction of the dwelling and attached deck that are setback 6 metres from the top of embankment and setback 13 metres into the front yard as per the drawings and sketch submitted. The dwelling and deck have a floor area of 1,119 square feet and is two storeys.
2. Minor variance is also for the construction of a detached garage that is setback 6 metres from the top of embankment and setback 14 metres into the required front yard as per the plot plan submitted with a floor area of 440 square feet.
3. That the mitigation measures contained in the Slope Assessment (Concord Engineering, July 19, 2018) are followed including:
  - a. Sound excavation, grading and drainage practice shall be observed at all stated of construction and appropriate measures implemented to ensure that subgrade and excavation side-slope are preserved.
  - b. Care shall be taken to ensure that excavation and stockpiles do not encroach upon the crest of the slope and that boulders do not become rolling hazards on the slope.
  - c. Control measures such as silt fencing are required given the potential for erosion/siltation.
  - d. Should channelization of runoff become an issue, diffusion of runoff sources using terracing, check dams and similar means shall be used.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- e. Disturbed areas shall be restored as soon as possible following completion of the work with erosion mats as necessary and seeded to promote re-growth.
4. Minor variance MV-17-18-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

### Attachments

Map of Kirkham property.  
Images from site visit July 27, 2018.



(West view of property, view of vegetated buffer and slope)

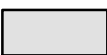


(Cleared area at top of bank for construction)



**KIRKHAM  
MV-17-18-S**

## Legend

-  Kirkham Property
-  Kirkham Proposed Structures

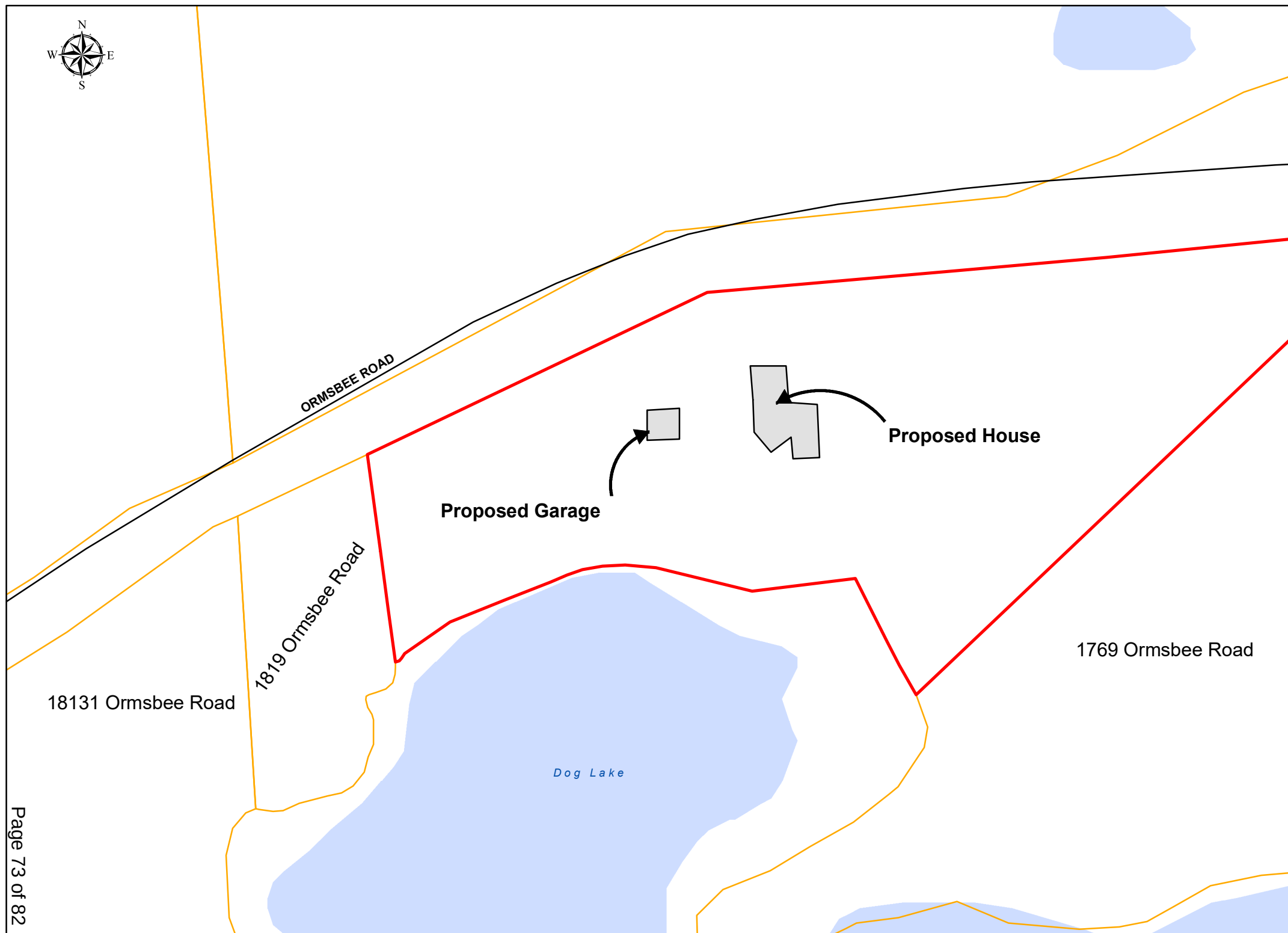
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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 1:867

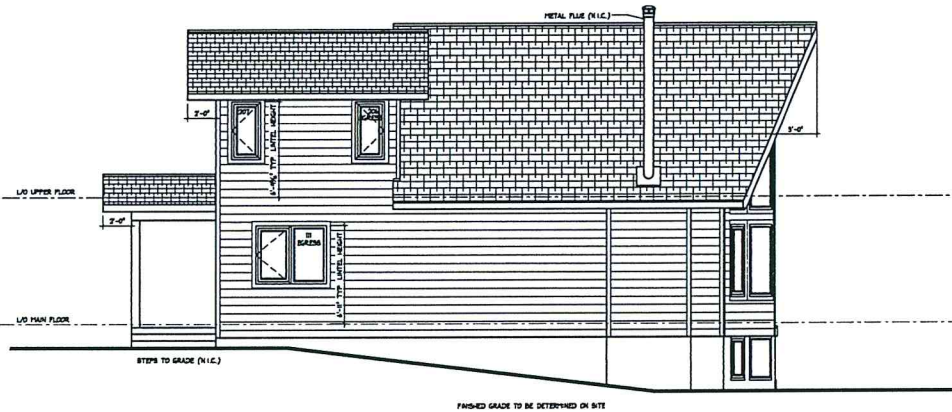
0 4.25 8.5 17 25.5 34 Meters

UTM Projection NAD 83





RIGHT ELEVATION



LEFT ELEVATION

PLANS APPROVED FOR MODIFICATION

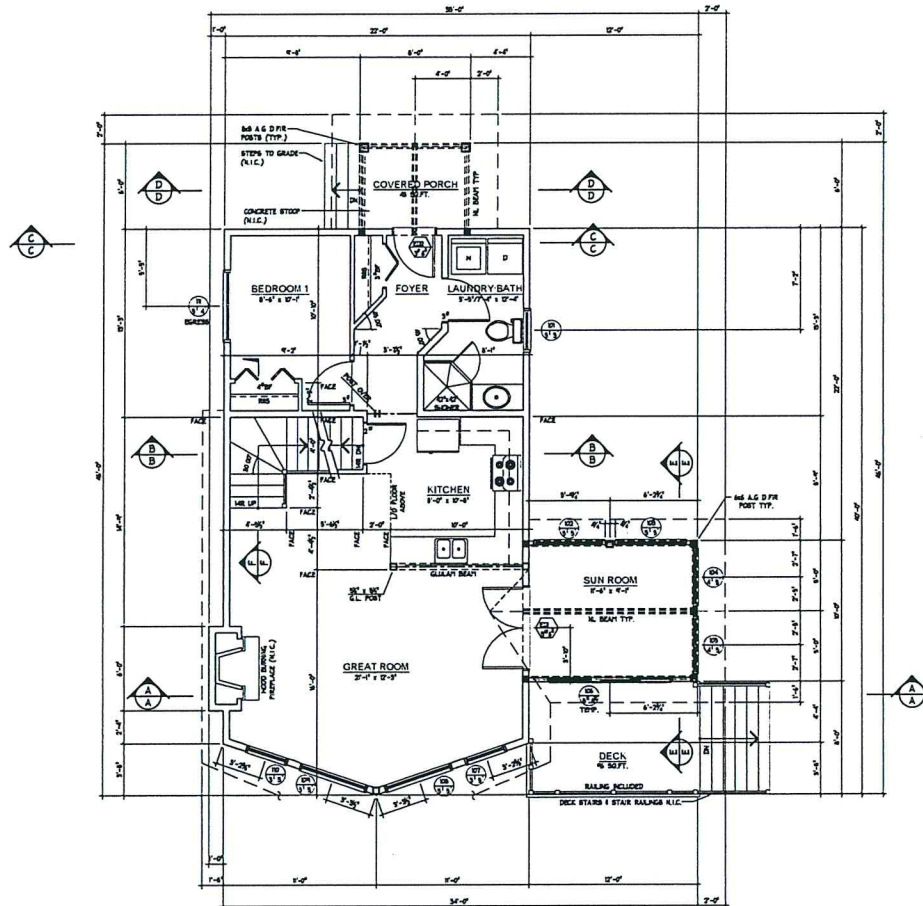
DATE: 10/11/2011  
DRAWN BY: J. PERRY  
CHECKED BY: DU  
SCALE: 1/4\"/>



The customer hereby is  
not responsible for drawing  
and making of drawings  
in the building. Any discrepancy  
and to ensure compliance  
of Council rules for  
construction and  
at completion.

Every notation followed  
by 'N.I.C.' indicates  
that this item is  
'Not Included in  
Contract'

DRAWN BY:  
J. PERRY  
BOM NUMBER:  
XXX  
CHECKED BY:  
DU  
SCALE:  
1/4\"/>



## MAIN FLOOR PLAN

**NOTE:**  
THIS PLAN IS A ROUGH DRAFT ONLY, AND IS INTENDED TO ILLUSTRATE THE SHAPE, STYLE AND OVERALL APPEARANCE OF THE DWELLING IN QUESTION. SPECIFICATIONS SUCH AS SIDING TYPE, ROOFING FINISH, FASCIA AND TRIM MATERIALS ARE SUBJECT TO CHANGE, BASED ON SCHEDULES INCLUDED IN THE PRICING OF THE MATERIAL PACKAGE.  
ALSO, WINDOW AND DOOR SIZES, OPERATION, AND MAKE ARE SUBJECT TO CHANGE BASED ON THE SAME SCHEDULES.  
SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS ROUGH DRAFT AND THE AGREED UPON CONTRACT, AND SCHEDULES, THE CONTRACT AND SCHEDULES WILL TAKE PRECEDENCE.

845 SQ. FT. + 120 SQ. FT. SUNROOM  
965 TOTAL SQ. FT.  
ALL INTERIOR AND EXTERIOR RAKED WALLS ARE TO BE FRAMED FULL HEIGHT w/ BLOCKING @ 8'-0" o.c.  
STUDS EXCEEDING 20' IN LENGTH ARE TO BE 2-2" LAMINATED STUDS w/ STAGGERED JOINTS  
┌ - INDICATES GLU-LAM POST  
■ - INDICATES NAIL-LAM POST (SOLID BEARING)  
● - INDICATES POINT LOAD

PLEASE APPROVE BY THE BUYER AT THE TIME OF THE PURCHASE AGREEMENT.  
DATE: \_\_\_\_\_  
BUYER'S SIGNATURE: \_\_\_\_\_

**LINWOOD**  
CUSTOM HOMES

The customer hereby is held responsible for checking and verifying all dimensions on the drawing. Any discrepancies shall be reported immediately to the customer for correction and/or modification.

Every notation followed by "N.I.C." indicates that the item is "Not Included in Contract".

|                  |              |
|------------------|--------------|
| Drawn by:        | L. Perry     |
| Rev. Number:     | 001          |
| Checked by:      | DL           |
| Scale:           | 1/4" = 1'-0" |
| DATE:            | 10/28/2020   |
| WALLS:           | 5/8" CMU     |
| CEILING:         | 5/8" CMU     |
| FLOORING:        | 5/8" CMU     |
| ROOFING:         | 5/8" CMU     |
| FOUNDATION:      | 5/8" CMU     |
| CONCRETE:        | 5/8" CMU     |
| REVISION NUMBER: | 001          |

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235-0066

July 19<sup>th</sup>, 2018

KEITHA KIRKHAM

RE: SLOPE ASSESSMENT  
ORMSBEE ROAD  
BATTERSEA, ONTARIO  
OUR REFERENCE NO. 18-0716

---

## **1.0 INTRODUCTION:**

This letter reports the results of a geotechnical assessment carried out at the above captioned property to address natural hazards associated with a proposed single family dwelling. In this case, the property includes waterfront on Dog Lake and concerns encroachment upon sloping ground. This assessment is intended to assess the hazard to the proposed development at the property based on a site visit and examination conducted on July 17<sup>th</sup>, 2018. The layout of the proposed development of the vacant lot is outlined on **Drawing No. 1/1**. For the purposes of this assessment, the dwelling is considered to face south toward Dog Lake.

Ontario Geological Survey maps indicate marble underlies the site with sandstone nearby.

## **2.0 BACKGROUND & OBSERVATIONS:**

A site plan for the property provided by Keitha Kirkham was referenced for this assessment. The site was attended on July 17<sup>th</sup>, 2018 at which time a Suunto MGC- 2A compass and 60-metre tape were used to profile the foreshore slope and a 10mm-diameter steel rod and 1-kg club hammer were used to sound the site bedrock. A mini-excavator was used to advance three test pits to refusal on inferred bedrock near the crest of the slope and proposed building location.

The subject property is descends approximately 13 meters from the proposed house location to the waters of Dog Lake. Slope angles were measured with a clinometer and ranged between 18° and 30°. The slope is vegetated in an established forest including white pine, beech, sugar maple and white oak. Trunk diameters up to 24" are observed with very little or no gunstocking that would reflect soil creep. The canopy is very dense such that the slope supports very little undergrowth. The slope crests with back-fall toward the access from Ormsbee Road. No evidence of gullies or scour was observed at the site.

The test pits encountered approximately 4" of topsoil over silt with some sand, clay and bedrock fragments – the fragments were observed to be weathered marble. A steel probe was driven to confirm the depth of sound bedrock, which was 2' at the crest of the slope.

The observations were used to develop the slope profile presented on **Drawing No. 1/1**.

**3.0 DISCUSSION:**

Based on this assessment the contour of the foreshore is controlled by shallow marble bedrock. The dwelling is expected to be founded on the shallow bedrock. We do not anticipate any problems with global slope stability from building or fill surcharge loads at this time or for the next 100 years. Access to the site is remote from the slope in question.

Conventional foundations bearing on bedrock should be designed using a Serviceability Limit State allowable bearing pressure of 1000kPa for sound, properly situated, scaled and prepared surfaces in the sandstone bedrock.

Sound excavation, grading and drainage practice should be observed at all stages of construction and appropriate measures implemented to ensure that subgrade and excavation side-slope integrity are preserved. Care should be taken to ensure that excavation and stockpiles do not encroach upon the crest of the slope and that boulders do not become rolling hazards on the slope.

The granular soils once disturbed are considered prone to erosion. Although the drainage path from the building site to the lake is relatively attenuated and indirect, control measures such as silt fencing are recommended given the potential for erosion/siltation. The performance of control measures should be monitored and additional efforts taken as warranted. Diffusion of runoff sources using terracing, check dams and similar means should be used to reduce channelization should this become an issue. Disturbed areas should be restored using topsoil and erosion mats as necessary, and seeded to promote re-growth, as soon as possible following completion of the work.

**4.0 CONCLUSIONS:**

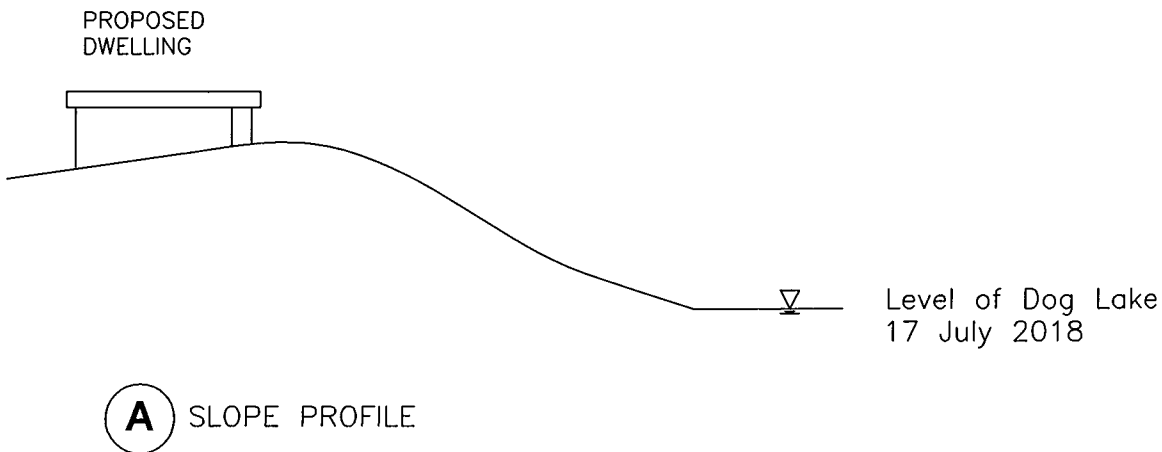
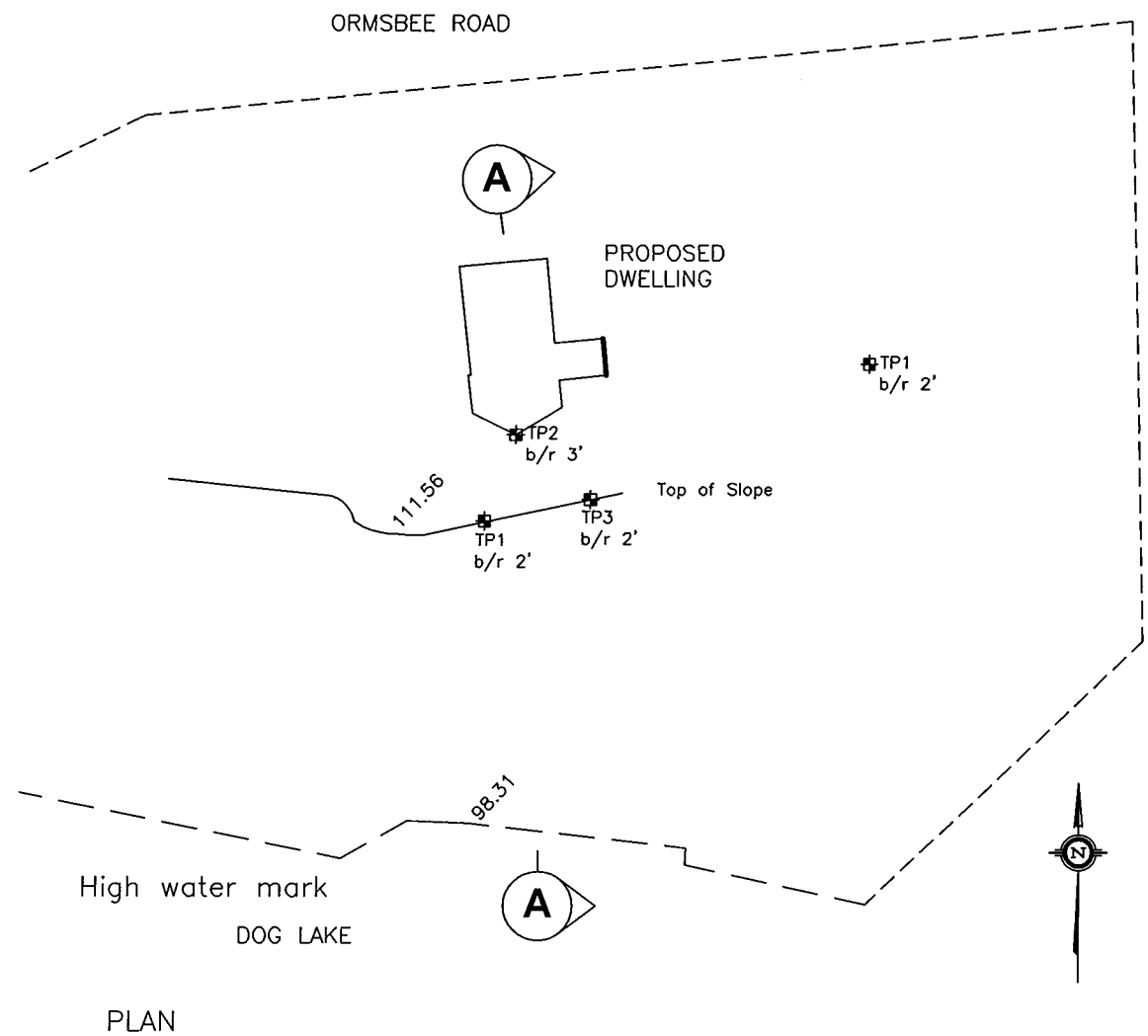
Based on the foregoing, it is considered that proposed development would accord with Section 3.1 of the Provincial Policy Statement.

We trust that this report is to your satisfaction. Should you have any questions or concerns regarding this submission, please contact our office.

Yours truly,  
**CONCORD ENGINEERING**

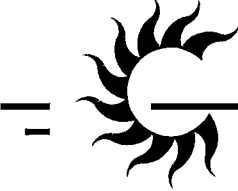
R. David Oliver, P.Eng.

Encl.



Legend

TP3 b/r 2' — Test pit location and depth to bedrock in feet  
 98.31 — Ground surface elevation in metres



CONCORD

ENGINEERING

755 Baker Crescent  
Kingston, Ontario K7M 6P5

Tel: (613) 634-4357  
Fax: (613) 634-4353  
E-mail: [concorde@kos.net](mailto:concorde@kos.net)

|                                 |            |         |                 |
|---------------------------------|------------|---------|-----------------|
| Project: Proposed SFD           |            |         |                 |
| Ormsbee Road                    |            |         |                 |
| Battersea, Ontario              |            |         |                 |
| Drawing: Plan and Slope Profile |            |         |                 |
| Client: Kietha Kirkham          |            |         |                 |
| Designer:                       | Dwn by: CS | Chd by: | Date:18-July-18 |



**KFL&A**  
Public Health

## REQUESTS FOR COMMENTS

**Environmental Health Department**  
221 Portsmouth Avenue  
Kingston, Ontario K7M 1V5  
(613) 549-1232  
1-800-267-7875  
Fax: (613) 549-7738  
<http://www.kflapublichealth.ca>

|                                             |                                                                                                                                                                                                            |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>To:</b>                                  | Jennie Kapusta, Planning Assistant<br>Township of South Frontenac<br>4432 George Street<br>Sydenham, Ontario, K0H 2T0                                                                                      |
| <b>Application Number:</b>                  | MV-17-18-S                                                                                                                                                                                                 |
| <b>Type of Application<br/>or Proposal:</b> | Minor Variance                                                                                                                                                                                             |
| <b>Applicant Name(s):</b>                   | Kirkham, Keitha                                                                                                                                                                                            |
| <b>Location:</b>                            | Lot 16, Con 9 Ormsbee Road                                                                                                                                                                                 |
| <b>Planning Department<br/>or Agency:</b>   | Township of South Frontenac (Storrington)                                                                                                                                                                  |
| <b>Comments:</b>                            | No objection to the minor variance. Ensure septic is constructed on north side of ridge on property, towards road which slopes away from dog lake and where 10 inches of native soil over rock is present. |
| <b>Inspector:</b>                           | <br>Miranda Iezzi, CPHI(C), Public Health Inspector                                                                    |
| <b>Date:</b>                                | July 24, 2018                                                                                                                                                                                              |

**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.

August 1, 2018

File: MV/FRS/147/2018

**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 Minor Variance MV-17-18-S (Kirkham)**  
**Lot 16, Concession 9; Ormsbee Road**  
**Storrington District, Township of South Frontenac**  
**Waterbody: Dog Lake**

The Rideau Waterway Development Review Team (RWDRT), made up of staff from the Cataraqui Region Conservation Authority (CRCA) and Parks Canada, has reviewed the above-noted application for minor variance, and provide the following comments for the Committee of Adjustment's consideration. The property was visited by CRCA staff on July 31, 2018.

**Summary of the 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 top of bank from 15 metres, as required by Section 5.8.2.(2.) of the South Frontenac Zoning By-law, to 6 metres in order to permit the construction of a new dwelling.

**Site Description**

The property is located on north shore of Dog Lake. The topography of the property can be described as a high relatively steep slope that rises approximately 13 metres from the lake and then leveling off in the location of the proposed dwelling, then dropping down again toward Ormsbee Road to the north.

The property is designated 'Rural' in the Official Plan and zoned 'Waterfront Residential' (RW) in the implementing Zoning By-law. Dog Lake itself is zoned 'Environmental Protection' (EP).

## Discussion

The main interests of the RWDRT in this application are the avoidance of natural hazards associated with the shoreline of Dog Lake, the protection of the water quality of the lake, and the conservation of the cultural and natural heritage and scenic values of the Rideau Canal National Historic Site and UNESCO World Heritage Site.

### Natural Hazards

**Flooding:** The maximum recorded water level for Dog Lake is 98.95 metres geodetic. For Dog Lake, the highest 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:** Based upon site observations, staff believe that the 13 metre high slope is stable. In addition, the applicant has provided a slope assessment report (Concord Engineering, July 19, 2018) in support of the minor variance application. The slope assessment concludes that the proposed structure will be founded on sound bedrock, that no problems are anticipated with respect to global slope stability, and provides mitigation recommendations to ensure that the slope remains in a stable condition. Staff concur with the findings of the slope stability assessment. Staff also note that the proposal meets the 6 metre access allowance from the stable top of bank which complies with the CRCA's guidelines for implementing Ontario Regulation 148/06. *Staff have no concerns with the proposal from an erosion hazard perspective provided that the mitigation measures contained within the slope stability assessment are followed.*

*Staff recommend that roof runoff be directed away from the slope to prevent erosion.*

### Water Quality

Section 5.8.2 (1.) of the Zoning By-Law for South Frontenac Township suggests that a 30 metre setback from the high water 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 high water mark of a waterbody.

Staff note that the proposed dwelling will be located 30.9 metres from the highwater mark of Dog Lake which exceeds the minimum standard for development. In addition, the topography of the site facilitates drainage in a northerly direction away from the slope / lake. *Therefore, staff have no concerns with the proposal from a water quality perspective.*

### Rideau Canal National Historic Site and UNESCO World Heritage Site

Similarly, RWDRT staff strive to preserve and enhance the cultural, natural and scenic values of the national historic site and world heritage site so that all Canadians can enjoy this legacy into the future. This can be achieved through the maintenance of a natural shoreline, the maintenance and enhancement

of vegetation on the property, development which complements the visual character of the landscape, and the maintenance of a minimum 30 metre setback of all development from the water.

### **Recommendation**

RWDRT staff have no objection to the approval of application MV-17-18-S based on our consideration for natural hazards, natural and cultural heritage, and water quality and quantity protection policies.

Parks Canada - Rideau Canal Office oversees all in-water and shoreline works along the Canal system. If the landowner wishes to carry out any in-water or shoreline works in the future, the Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction.

### **CRCA's 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. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. Within a regulated area, written permission must be obtained from the CRCA prior to development taking place. *In this instance, the owner is advised that a CRCA permit will be required for this development (i.e. construction, filling, site alteration).*

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](mailto:aschmidt@crca.ca)

Yours truly,



Andrew Schmidt, C. Tech.  
Supervisor, Development Review

/as

c.c. Keitha Kirkham, 895 Ascot Lane, Kingston, ON, K7K 3C8  
Susan Millar, Parks Canada (via email)