

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

TIME: 7:00 PM,  
DATE: Thursday, December 13, 2018  
PLACE: Council Chambers.

1. Call to Order
2. Adoption of Agenda
  - a) Resolution
3. Declaration of Pecuniary Interest
4. Approval of Minutes – November 8, 2018
  - a) 4 - 22
5. Consent Applications:
  - a) S-94-18-S (Kauffman) - Part Lot 41, Concession 7, District of Storrington, Beachnut Hill Road. Consent for creation of one new 2 acre rural residential lot fronting on Beachnut Hill Road. 23 - 42
  - b) S-95-18-L (Snider) - Part Lot 4, Concession 4, 2869 Rutledge Road, District of Loughborough. Consent for creation of one new residential lot, with existing dwelling and accessory building, fronting on Rutledge Road. The retained lands will be approximately 190 acres in area with the required road frontage along Stage Coach and Lambert Roads. This is a re-application of a severance which was not finalized within the required time frame. 43 - 56
  - c) S-96-18-B (Doornekamp) - Part Lot 20, Concession 3, 88 Northwood Lane, District of Bedford, Consent for conveyance of a 1 acre lot addition to 114 Northwood Lane. The retained parcel is 22 acres in size. 57 - 72
  - d) S-97-18-B (McSorley) - Part Lot 6, Concession 3, District of Bedford, municipally known as Second Heaven Lane, Thirty Island Lake. Consent for creation of 2.7 acre lot addition from vacant parcel on Second Heaven Lane and Thirty Island Lake, to be added to developed property at 71 Second Heaven Lane. The retained parcel will be approximately 26.5 acres in size, with 91 metres frontage on the lake. 73 - 86
  - e) S-98-18-B (Stewart & Petryshen) - Part Lot 26, Concession 10, District of Bedford, Township of South Frontenac, municipally known as 344 Briggs Lane. Consent for conveyance of a lot addition of .32 acres of vacant land to be added to property at 279 Briggs Lane to provide frontage on the lane. The retained parcel will be approximately 5.4 acres in size. The subject property fronts on Briggs Lane and Wolfe Lake. 87 - 106
  - f) S-99-18-B (MacDougall) - Part Lot 27, Concession 10, District of Bedford, Township of South Frontenac, municipally known as 279 Briggs Lane. Consent for conveyance of a lot addition of .89 acres of vacant land from the subject property to enlarge a developed lot municipally known as 344 Briggs Lane. The retained lands will be 107 - 124

approximately 47 acres in area.

6. Minor Variance Applications:

- |    |  |              |
|----|--|--------------|
| a) | MV-19-18-S (Seamone) - Part Lot 16, Concession 8, District of Storrington, Township of South Frontenac, municipally known as 96 Hewett Lane To reduce the waterbody setback from 30 metres to 23.2 metres at the closest point to permit the construction of a new seasonal dwelling. Deferred at the November Committee of Adjustment meeting.    | 125 -<br>143 |
| b) | MV-23-18-L (Wolford) - Part Lot 1, Concession 14, District of Loughborough, Township of South Frontenac, municipally known as 1076 Marshall Lane<br>To reduce the waterbody setback from 30 metres to 15 metres to permit a 192 sq. ft. sleeping cabin.  | 144 -<br>162 |
| c) | MV-24-18-B (Briley) - Part Lot 31/32, Concession 6/7, District of Bedford, Township of South Frontenac, municipally known as 224 Mica Point Lane.<br>To permit lot coverage of accessory buildings with larger footprint than principal building   | 163 -<br>181 |
| d) | MV-26-18-B (Koenig) - Part Lot 32, Concession 6, District of Bedford, Township of South Frontenac, municipally known as 92 Nightingale Lane<br>To reduce the waterbody setback from 30 metres to 24 metres (21 metres to deck) to permit construction of seasonal dwelling with attached deck.   | 182 -<br>199 |
| e) | MV-27-18-B (Amsden) - Part Lot 11 & 12, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 38 Warbler Lane<br>To Increase the permitted gross floor area of an existing seasonal dwelling which will be demolished and reconstructed on the existing footprint -14.64 metres from high water mark of White Lake. | 200 -<br>221 |
| f) | MV-28-18-S (Kubes, Sakell) - Part Lot 7, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 4725 Noble Lane<br>To reduce the waterbody setback from 30 metres to 12.2 metres at the closest point to permit the construction of a 320 sq. ft. addition to a seasonal dwelling.                               | 222 -<br>248 |
| g) | MV-29-18-L (Snider) - Part Lot 4, Concession 4, 2869 Rutledge Road, District of Loughborough, Township of South Frontenac, municipally known as 2869 Rutledge Road<br>To permit deficient frontage on road and deficient lot area as proposed in consent application S-95-18-L (one report for both applications).                                 | 249 -<br>257 |
| h) | MV-30-18-B (Molnar) - Part Lot 12, Concession 3, 59 West Shore Lane, District of Bedford, Township of South Frontenac<br>To reduce the waterbody setback from 30 metres to 19.24 metres at the closest point to permit an increase in size of deck, and from 30 metres to 22.3 metres to permit increase in size of residence.                     | 258 -<br>281 |

Permission is also being sought to increase the lot coverage of the principal building to 9.3 %.

7. Other Business

a) WITHDRAWN - MV-25-18-S (Webster) - Part Lot 11, Concession 10, 282 -  
5419 Battersea Road, District of Storrington, Township of South 287  
Frontenac

b) Recognition of long-standing Committee member service.

8. Adjournment



TOWNSHIP OF SOUTH FRONTENAC  
PLANNING DEPARTMENT



MINUTES 18:11

November 8, 2018

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: John Sherbino

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

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- Item #6e: MV-22-18-P (Solymar)
- Item #7: Other Business
- Item #8: Adjournment

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**Item #1: Call to Order**

RESOLUTION: C of A: 18:11:01

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the November 8, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Alan Revill in the chair.

Carried

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

Approved as circulated

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**Item #3: Declaration of Pecuniary Interest**

No Pecuniary Interest declared.

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#### **Item #4: Approval of Minutes**

RESOLUTION: C of A: 18:11:02

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the October 11, 2018 meeting of the Committee, as circulated.

Carried

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#### **Item #5: Consents**

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##### **Item #5a: S-86-18-B Douglas Terry**

Speaking to the Application: Douglas Terry

Discussion:

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 21, Concession 7, District of Bedford, known municipally as 169 Green Bay Road. The existing lot has frontage on Green Bay Road, Garrett Road, and Firehall Road and is approximately 31 hectares (77 acres) in area. The subject property is developed with a dwelling with access from Green Bay Road. The remainder of the lot is naturally vegetated and contains a tributary, wetlands, and a pond. The applicant is proposing to sever approximately 10 acres from the existing 77 acre lot to create one new rural residential lot with frontage on Green Bay Road.

The application was previously deferred at the October Committee of Adjustment meeting to receive comments from KFL&A Public Health. As of the date of preparation of this report, the applicant has prepared the test holes and a Health Inspector will be completing a site visit in advance of the November 8, 2018 meeting.

##### S-86-18-B

Consent application S-86-18-B is for the creation of a vacant rural residential lot. The proposed new lot will have approximately 96 metres of frontage along Green Bay Road and is approximately 10 acres in area. The lot will be regularly shaped with a depth of approximately 380 metres. A new entrance is proposed off Green Bay Road to accommodate future development on the severed lot.

##### Retained Lot

The retained lands will consist of approximately 67 acres in area with approximately 425 metres of frontage along Green Bay Road, and approximately 280 metres of frontage along Garrett Road and Firehall Road. The retained lands will contain the dwelling located on the property. No further development is proposed for the retained lands.

M. Rueckwald noted that comments had been received from Public Health stating they have no objections to this application. Neighbour comments had been received expressing concerns about future encroachment on wildlife habitat; water/well concerns; and future inhabitants who may have no respect for the land – ie pollutants, trash. The neighbour's property is some distance away from the proposed lot and it is not anticipated that the new lot will have any direct impact on their property.

Comments from RVCA had indicated that it would be their preference to not have the lot line for the severed parcel go through a wetland located on the subject property. Mr. Terry stated that he is just trying to create a 10 acre parcel and that no matter where the lot line is drawn it is possible that it would cut through the wetland on his property. He is aware of the restrictions for building in proximity to a wetland and that he would not be building a house anywhere near the wetland.

RESOLUTION: C of A: 18:11:03

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the South Frontenac Township Committee of adjustment hereby approves consent application 86-18-B by Douglas Terry, to create a new lot in Concession 7, Part lot 21, Green Bay Road, District of Bedford, subject to conditions.

Carried

**Application No:** S-86-18-B  
**Owner:** Terry  
**Location of Property:** Part Lot 25, Concession 13, District of Loughborough, Township of South Frontenac, municipally known as 179 Burnt Point Lane  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** October 11, 2018  
**Date of Decision:** November 8, 2018

**DECISION:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

**CONDITIONS:**

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-86-18-B shall be for the creation of a lot with an area of approximately 10 acres with approximately 96 metres of frontage along Green Bay Road.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

4. The surveyor who prepared the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the travelled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense.
- e. The Transfer/Deed for the land to be dedicated together with letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

#### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-86-18-B, in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

#### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

#### Well Capacity

9. 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-86-18-P.

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#### **Item #5b: S-89-18-P Van Allen**

Speaking to the Application:

Discussion: None

An application for consent has been received for the conveyance of a lot addition from an existing waterfront residential property at Part Lot 5 & 6, Concession 13, District of Portland, municipally located along 1012 High Falls Lane to an abutting property municipally known as 1018 High Falls Lane. The existing lot has frontage on High Falls Lane and is developed. The applicant is proposing to sever approximately 0.17 acres of the private lane from the existing 5.2 acre lot to be added to an abutting developed waterfront residential lot with frontage on High Falls Lane.

#### S-89-18-P

Consent application S-89-18-P is for the conveyance of 0.17 acres of land with approximately 60 metres of frontage along High Falls Lane to a developed lot municipally known as 1018 High Falls Lane. The proposed benefitting lands will increase in size from 0.4 acres to 0.6 acres; the lands to be conveyed are the easement for the length of the private lane that abuts the property. This will increase the area of the benefitting lands and permit the benefitting lands to own the private road abutting the property.

#### Retained Lot

The retained lands will consist of approximately 5 acres with approximately 100 metres of frontage along High Falls Lane. No development is proposed for the retained lands.

B. Barbeau commented that this application seemed a reasonable thing to do to ensure the property owners at 1018 High Falls Lane own the private road abutting their property.

RESOLUTION: C of A: 18:11:04

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-89-18-P by Richard and Katherine Van Allen, Concession 13, Part lots 5 & 6, High Falls Lane, District of Portland, to convey approximately 0.17 acres of land used as a private road from the subject property to be added to 1018 High Falls Lane North, subject to conditions.

Carried

**Application No:** S-89-18-P  
**Owner:** Richard & Katherine Van Allen  
**Location of Property:** Concession 13, Part Lots 5 & 6, High Falls Lane, District of Portland  
 Township of South Frontenac  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** November 8, 2018  
**Date of Decision:** November 8 2018

**DECISION:** PROVISIONAL CONSENT GRANTED, subject to conditions

**Conditions:**

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-89-18-P shall be for a lot addition with an area of approximately 0.17 acres and 60 metres of frontage along High Falls Lane to be conveyed only to 1018 High Falls Lane (Roll no. 102908005016300).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 6, Concession 13 (PIN 361490295), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

### **Item #5c: S-90-18-B Fanning**

Speaking to the Application: None

Discussion:

An application for consent has been received for the conveyance of a lot addition from an existing rural property at Part Lot 23 & 24, Concession 7, District of Portland, municipally known as 184 Burrige Lake Road to an abutting property municipally known as 264 Burrige Lake Road. The existing lot has frontage on Burrige Lake Road and is developed with a dwelling and accessory buildings. The applicant is proposing to sever approximately 3 acres from the existing 198 acre lot to be added to a developed rural residential lot with frontage on Burrige Lake Road.

#### S-90-18-B

Consent application S-90-18-B is for the conveyance of 3 acres of land with no frontage to a developed lot municipally known as 264 Burrige Lake Road. The proposed benefitting lands will increase in size from 1.7 acres to 3.7 acres. This will bring the benefitting lands into compliance with the current provisions for rural residential lots.

#### Retained Lot

The retained lands will consist of approximately 195 acres with over 200 metres of frontage along Burrige Lake Road. No further development is proposed for the retained lands.

Rideau Valley Conservation Authority – Comments dated November 1, 2018 indicate that RVCA has no objection to the application, but recommends the relocation of the eastern lot boundary to avoid transecting an unevaluated wetland. The applicants met with RVCA following the receipt of their comments and have modified the boundary of the severed parcel to avoid transecting the wetland.

M. Rueckwald advised that a neighbouring property owner has requested additional information pertaining to the proposed use of the lot addition and expressing environmental concerns regarding the removal of trees and the wetland. Ms. Rueckwald had contacted the neighbours and advised that the severed parcel was being modified from the original submission in consultation with RVCA to avoid the wetland. The neighbours had no further concerns.

D. Hahn commented that it is reasonable to support the enlargement of the existing rural property.

RESOLUTION: C of A: 18:11:04

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-90-18-B by John and Christine Fanning (agent Capes), Concession 7, Part Lots 22 & 23, District of Bedford, Burrige Lake Road, to create a lot addition to convey approximately 3 acres of vacant land to 264 Burrige Lake Road as per the revised sketch and comments from Rideau Valley Conservation Authority, subject to conditions.

Carried

**Application No:** S-90-18-B  
**Owner:** John & Christine Fanning  
**Location of Property:** Concession 7, Part Lots 23 & 24, Burr ridge Lake Road, District of Bedford Township of South Frontenac  
**Purpose of Application:** Consent for conveyance of a lot addition  
**Date of Hearing:** November 8, 2018  
**Date of Decision:** November 8 2018

**DECISION:** PROVISIONAL CONSENT GRANTED, subject to conditions

### Conditions:

#### Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

#### Severed Lands

2. The land to be severed by Consent Application S-90-18-B shall be for a lot addition with an area of approximately 3 acres to be conveyed only to 264 Burr ridge Lake Road (Roll no. 102901005030800) as per the revised sketch and recommendations from MVCA to avoid transecting the wetland.
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 24, Concession 7 (PIN 362400183, 362400431, 362400186), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

#### Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

#### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deed

#### Zoning

8. That the land to be conveyed through consent S-90-18-B be rezoned to one consistent

Zone of the benefitting lands. Contact the Township Planning Department to begin this process.

9. Where a violation of the Township of South Frontenac Comprehensive Zoning By-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

#### **Item #5d: S-91-18-L Adams**

Speaking to the Application: Ed Adams

Discussion:

An application for consent has been received for the conveyance of a lot addition from an existing rural property at Part Lot 3, Concession 2, District of Loughborough, municipally known as 3593 Stage Coach Road to an abutting property municipally known as 3565 Stage Coach Road. The existing lot has frontage on Stage Coach Road and Forest Road and is developed with a dwelling and used for hay production. The applicant is proposing to sever approximately 9.2 acres from the existing 54 acre lot to be added to a developed rural residential lot with frontage on Stage Coach Road.

#### S-91-18-L

Consent application S-91-18-L is for the conveyance of 9.2 acres of land with no frontage to a developed lot municipally known as 3565 Stage Coach Road. The proposed benefitting lands will increase in size from 14.5 acres to 23.7 acres. The benefitting lands are compliant with the provisions in the Zoning Bylaw and will continue to be following the lot addition.

#### Retained Lot

The retained lands will consist of approximately 45 acres with over 80 metres of frontage along Stage Coach Road and additional frontage along Forest Road. No development is proposed for the retained lands at this time, but suitable space exists to accommodate future redevelopment.

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

R. Sutherland stated that he had no objection to the severance application but questioned why the application had been circulated to Public Health for comment. C. Dodds responded to the question from R. Sutherland stating that Public Health do not have clear criteria establishing when severance applications are to be circulated to them. As such, staff operate on the principle that fees are collected to circulate applications to Public Health on the understanding that if Public Health do not need to provide comments, Public Health will return the cheque to the applicant.

RESOLUTION: C of A: 18:11:06

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-91-18-L by Edgar and Maureen Adams, Concession 2, Part Lot 3, District of Loughborough, 3593 Stagecoach Road, to create a lot addition to convey approximately 9 acres of vacant land to property at 3565 Stagecoach Road, subject to conditions.

Carried

**Application No:** S-91-18-L  
**Owner:** Adams  
**Location of Property:** Part Lot 3, Concession 2, District of Loughborough, Township of South Frontenac, municipally known as 3593 Stage Coach Road  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** November 8, 2018  
**Date of Decision:** November 8, 2018

**DECISION:** PROVISIONAL CONSENT GRANTED, subject to conditions

**Conditions:**

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-91-18-L shall be for a lot addition with an area of approximately 9.2 acres to be conveyed only to 3565 Stage Coach Road (Roll No. 102904001001710).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 3 & 4, Concession 2 (PIN 362770132) and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland (Planning Act, s. 51(1)).
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

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**Item #5e: S-92-18-S Curtis, Landry**

Speaking to the Application: Jeff Curtis & Marie Laundry

Discussion:

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 25, Concession 10, District of Storrington, municipally known as 4775 Carrying Place Road. The existing property has frontage along Dog Lake and is accessed by Carrying Place Road, a

township maintained road. The lot is vegetated along the water with cleared areas closer to the Carrying Place Road. The lot to be created is presently vacant as the former structures have been removed from the property. The lot to be retained contains a barn structure proposed to be repurposed and a derelict cottage structure by the waterfront proposed to be removed. The applicant is proposing to sever approximately 1.0 hectare parcel with 61 metres of frontage along Carrying Place Road and 106 metres of frontage along Dog Lake.

#### S-92-18-S

Consent application S-92-18-S is for the creation of one new vacant rural waterfront residential lot. The proposed new lot will have approximately 61 metres along Carrying Place Road and approximately 106 metres of frontage along Dog Lake and is approximately 1 hectare in area. The lot will be irregularly shaped with a depth of approximately 130 metres; the irregular shape results from the configuration of the waterfront along Dog Lake. An entrance exists from Carrying Place Road, which was used to access the former structures on the property.

#### Retained Lot

The retained lands will consist of approximately 1.3 hectares in area with approximately 106 metres of frontage along Dog Lake and 229 metres of road frontage. The retained lands contain a barn structure proposed to be repurposed and the derelict cottage and privy.

M. Rueckwald reviewed comments provided by Public Health and the Rideau Waterway Development Review Team (RWDRT). Public Health has no objections to the proposed application. RWDRT staff have no objection to the application but recommend a setback of 40 metres from the high water mark on the severed and retained parcels to protect the water quality of Dog Lake. It is recommended the parcels be rezoned to a site-specific waterfront residential zone requiring a 40 metre setback for development and that the lots be subject to site plan control.

R. Sleeth noted that he was glad to see this derelict property be cleaned up. K.Gee noted there had been several demolition permits issued to facilitate the cleaning up of this property.

D. Hahn asked M. Rueckwald to speak to the requirement for the rezoning in more detail. M. Rueckwald stated that it is a recommendation from RWDRT to establish a 40m setback for both the severed and retained parcels. It is recognized that the orientation of the severed lot makes it easier to achieve the 40m setback from Dog Lake. The retained parcel does not have as much depth between the road and the Lake. The rezoning condition for the retained parcel has been worded in such a way to provide flexibility to work with the applicant to recognize the environmental recommendations of the RWDRT and ensure a building envelope exists on the retained lands to accommodate the required setbacks.

Several Committee members discussed requiring the existing derelict cottage on the retained parcel to be demolished as a condition of this application. R. Sutherland asked whether a new cottage could be established on the footprint of the existing cottage. M. Rueckwald indicated that it is the applicant's intention to demolish the derelict cottage and based on its current condition it would be unlikely that a new cottage would be established on this footprint.

The applicant, Jeff Curtis, stated that to date he has not applied for a demolition permit for the derelict cottage on the retained parcel. He expressed concerns about meeting the 40m setback from Dog Lake on the retained parcel as it constrains the building envelope on the property. M. Rueckwald responded that Planning staff will work with the applicant to evaluate the options for establishing a building envelope on the retained parcel. R. Sutherland stated that he supported the 40m setback from Dog Lake for the retained parcel and that a reduction in the setback from the road could be considered. D. Hahn stated that he supported staff's recommendation.

Marie Josee Landry stated that they would like to build a new house on the retained parcel near the existing barn. They intend to use the barn foundation as a patio and remove the derelict cottage on the retained property. A. Revill noted that the condition for rezoning the retained parcel provides flexibility for the applicants to work with Township staff and Conservation Authority staff to establish a reasonable building envelope on the retained parcel.

A motion was put forward by R. Sutherland to amend the list of conditions to include a condition requiring the existing cottage be demolished and the existing building footprint be extinguished. D. Hahn seconded the motion. The motion failed to be carried.

M. Rueckwald advised that a condition to demolish the cottage was not directly related to the consent process and that the Township has no policy requirement to remove the structure.

Jeff Curtis stated that he understands the existing derelict cottage must be removed in order to obtain a building permit to construct a new cottage.

RESOLUTION: C of A: 18:11::07

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-92-18-S by Curtis/Landry, Concession 10, Part Lot 25, District of Storrington, 4775 Carrying Place Road, to create a new lot approximately 2.5 acres in size, with 200 ft. frontage on Carrying Place Road, and 360 ft. frontage on Dog Lake, subject to conditions.

Carried

**Application No:** S-92-18-S  
**Owner:** Jeff Curtis, Marie-Josée Landry  
**Location of Property:** Concession 10, Part Lot 25, Carrying Place Road, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** November 8, 2018  
**Date of Decision:** November 8, 2018

**DECISION:** PROVISIONAL CONSENT GRANTED, subject to conditions

**Conditions:**

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-92-18-S shall be for the creation of a lot with a minimum area of 1 hectare with approximately 61 metres of frontage along Carrying Place Road and a minimum of 91 metres of frontage along Dog Lake.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;

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

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

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
- e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

#### Municipal Requirements

- 5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
- 6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-92-18-S in lieu of parkland [Planning Act, s. 51(1)].
- 7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

#### Zoning

- 8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
- 9. Prior to the stamping of the deeds the applicant shall rezone the severed lands from Rural to Waterfront Residential to recognize the deficient lot frontage along Carrying Place Road and the 40 metre setback from the high water mark of Carrying Place Road. Please see the Township's Planning Department to begin this process.
- 10. Prior to the stamping of the deeds, the applicant shall rezone the retained lands from Rural to Waterfront Residential to recognize the environmental recommendations of the RWDRT and ensure a building envelope exists on the retained lands to accommodate the required setbacks. Please see the Township's Planning Department to begin this process. NOTE: Planning staff recommend that future redevelopment plans be incorporated into the site-specific rezoning application.
- 11. Confirmation from South Frontenac Public Works Department that both the severed and retained parcel can obtain an entrance permit for access in accordance with Township standards. NOTE: The severed and retained parcels shall only be entitled to one entrance per property. Any additional entrance shall be removed prior to a building permit being issued for the severed or retained parcels.

**Item #5f: S-93-18-S Taite**

Speaking to the Application: none

Discussion:

An application for consent has been received for the conveyance of a lot addition from an existing rural property at Part Lot 19, Concession 3, District of Storrington municipally known as 4297 Perth Road to an abutting property municipally known as 3809 Greenfield Road. The existing lot has frontage along Greenfield Road and Perth Road and is developed with structures used for agriculture. The applicant is proposing to sever approximately 0.6 acres from the existing 86 acre lot to be added to a developed rural residential lot with frontage on Greenfield Road.

S-93-18-S

Consent application S-93-18-S is for the conveyance of 0.6 acres of land with no frontage to a developed lot municipally known as 3809 Greenfield Road. The proposed benefitting lands will increase in size from 1 acre acres to 1.6 acres. The befitting lands will be enlarged, bringing them closer to compliance with the provisions for Rural lots in the Township’s Zoning Bylaw.

Retained Lot

The retained lands will consist of approximately 86 acres with over 200 metres of frontage along Greenfield Road and additional frontage along Perth Road. No development is proposed for the retained lands at this time, but suitable space exists to accommodate future redevelopment.

R. Sutherland said it was positive to see the existing developed lot being enlarged.

RESOLUTION: C of A: 18:11:08

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of adjustment hereby approves consent application S-93-18-S by Ruth & Ronald Taite, Concession 3, Part Lot 19, District of Storrington, to convey a lot addition from 4297 Perth Road to 3809 Greenfield Road, subject to conditions.

Carried

**Application No:** S-93-18-S  
**Owner:** Ruth & Ronald Taite  
**Location of Property:** Concession 3, Part Lot 19, Perth & Greenfield Roads, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Consent to create one new waterfront lot, together with right-of-way access  
**Date of Hearing:** November 8, 2018  
**Date of Decision:** November 8, 2018

**DECISION:** PROVISIONAL CONSENT GRANTED, subject to conditions  
**Conditions:**

Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Severed Lands

2. The land to be severed by Consent Application S-93-18-S shall be for a lot addition with an area of approximately 0.6 acres to be conveyed only to 3809 Greenfield Road (Roll No. 102906002012814).

3. The land to be severed is for the purpose of a lot addition only to the adjacent lands described as Part Lot 19, Concession 3, (PIN 362780614), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

#### Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

#### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland (Planning Act, s. 51(1)).
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

#### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

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#### **Item #6: Minor Variances**

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##### **Item #6a: MV-48-17-B Stouffer**

Speaking to the Application: none

Discussion:

An application for minor variance has been submitted to permit the construction of a new dwelling at Part Lot 4, Concession 12, District of Bedford, municipally known as 8420 Perth Road. The property has frontage along Pollywog Lake and is accessed by Perth Road, a Township maintained road. The topography of the site can be characterized as having a high rock bank adjacent to the lake with a relatively flat plateau area between the top of bank and another high steep embankment that rises up to Perth Road. The property is developed with various outbuildings and in the past contained a trailer that has since been removed.

The applicant is proposing to construct a new dwelling that will be located 14 metres from the highwater mark of Pollywog Lake and setback twelve metres into the front yard setback from Perth Road. The applicant is seeking relief from the Zoning Bylaw to reduce the waterbody setback, while also reducing the front yard setback to accommodate maximizing the waterbody setback. The average depth of the property would not accommodate a structure that met both the 30 metre setback from the highwater mark and the 20 metre front yard setback from the Township maintained road. The proposed dwelling will have a footprint of 24' by 40' (960 square feet).

The application was previously heard by the Committee of Adjustment in December 2017 and again later in 2018. The Committee of Adjustment requested more information regarding the potential for the installation of a grey water system/leaching pit on the property. KFL&A Public Health have

reviewed the application and in comments dated October 15, 2018, indicate that KFL&A Public Health have no objection to the minor variance.

D. Hahn stated that he was glad that the evaluation by Public Health has occurred for this application.

RESOLUTION: C of A: 18:11:09

Moved by: Ron Sleeth

Seconded by: Ross Sutherland

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-48-17-B (Stouffer), Concession 12, Part Lot 4, District of Bedford, to permit construction of a dwelling within 14 metres of the water, and within the required front yard setback, subject to conditions.

Carried

**Application No:** MV-48-17-B  
**Owner:** Kurt Stouffer, Ronald Stouffer  
**Location of Property:** Concession 12, Part Lot 4, 8420 Perth Road, District of Bedford, Township of South Frontenac  
**Purpose of Application:** To vary section 5.8.2.a and 8.3.1 of the Comprehensive Zoning Bylaw 2003-75 to permit construction of a dwelling within 30m of the high water mark of Pollywog Lake to permit a reduction in front yard from Perth Road  
**Date of Hearing:** December 14, 2017  
**Date of Decision:** October 11, 2018

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

**CONDITIONS:**

1. This minor variance is for the construction of a dwelling that is 24' by 40' and is located 14 metres from the high water mark of Pollywog Lake and 12 metres from the front yard setback of Perth Road, as per the sketch submitted with the application.
2. Minor variance is for the installation of a sewage system that is located 15 metres from the high water mark of Pollywog Lake, as per the KFL&A Public Health comments dated October 15, 2018.
3. Eaves troughing shall be installed on the dwelling to direct roof runoff away from the lake to a well vegetated area as per the comments from the CRCA dated November 30, 2017.
4. Minor variance MV48-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

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

Speaking to the Application: none

Discussion:

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

The applicant is proposing to tear down the existing dwelling and construct a new dwelling that will be located 22 metres from the high water mark of Dog Lake. The applicant is seeking relief from the Zoning Bylaw to construct a dwelling that is within the 30 metre setback with a relief request of 8 metres on each side of the dwelling. The proposed dwelling will have a footprint of 46' by 34' with a deck that runs across the front of the structure. A new septic system is proposed to be constructed along the flat plateau of the property; KFL&A Public Health have no objection to the installation of the septic system. The newly proposed dwelling will increase the waterbody setback compared to the existing structure.

M. Rueckwald stated that it is recommended this minor variance was being deferred to allow for Planning and agency staff to meet out on site with the applicant.

K. Gee noted that the applicants have the site well marked and that it would be better if they could move the cottage farther back from the water. He would like to wait to see the outcome of the site visit before making a decision on the variance. Ross Sutherland concurred with K. Gee's comments.

RESOLUTION: C of A: 18:11:10

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-19-18-S by Karen & Lorne Seamone, Concession 8, Part Lot 8, municipally known as 96 Hewitt Lane, to permit reduction in waterbody setback from 30 metres to 21.5 metres, to permit construction of a new seasonal dwelling, subject to conditions.

Carried

**Item #6c: MV-20-18-L York**

Speaking to the Application: none

Discussion:

An application for minor variance has been submitted to permit the construction of a detached garage at Part Lot 10, Concession 12, District of Loughborough, located at 6469 Salmon Lake Road. The property has frontage along North Otter Lake and is accessed by Salmon Lake Road, a township road. The property is slightly undersized compared to current provisions for waterfront lots and has a depth of approximately 40 metres at the widest point. The CRCA characterizes the property as having a high steep bedrock slope adjacent to the lake with a relatively flat plateau area between the top of bank and Salmon Lake Road.

The applicant is proposing to construct a detached garage along the flat plateau that will be located within the 15 metre top of bank setback and 30 metre setback from the high water mark of North Otter Lake. The proposed garage will have a floor area of approximately 30' by 20' and will be setback a minimum of 6 metres from the top of bank and 16 metres from the high water mark of North Otter Lake. A 4.8 metre setback is required by Hydro One from the overhead Hydro lines that dissect the property which were identified as a constraint by the applicant. To maximize the setback from the high water mark and top of bank, the existing dwelling will be further recessed when compared to the proposed garage away from Salmon Lake Road. As such, a variance is also requested from Section 5.24.5 to permit the accessory structure to be erected closer to the front lot line than the main building. Due to the topography on the site, the applicant may also require a reduction in the 20 metre setback from the front lot line to maximize the top of bank and waterbody setback; the maximum reduction sought would place the structure 4.8 metres to the west of the Hydro One lines.

M. Rueckwald outlined that Public Health and CRCA staff had no objections to the proposed variance. R. Sutherland asked if the garage could move on the property laterally. M. Rueckwald stated the proposed 30x24 foot garage could be moved laterally but could not move any closer to the road due to the hydro easement.

RESOLUTION: C OF A: 18:11:10

Moved by: Ron Sleeth

Seconded by: Ross Sutherland

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-20-18-L by Ken & Leslie York, Concession 12, Part Lot 10, District of Loughborough to reduce the waterbody setback, top of slope setback and front yard setback, to permit the construction of a detached garage on the subject property, subject to conditions.

Carried

**Application No:** MV-20-18-L  
**Owner:** Ken & Leslie York

**Location of Property:** Concession 12, Part Lot 10, 6469 Salmon Lake Road, District of Loughborough, Township of South Frontenac

**Purpose of Application:** To vary Section 5.8.2 b. of the Comprehensive Zoning Bylaw 2003-75 to permit a detached garage to be constructed 6 metres from the top of bank; Section 5.8.2 a./8.3.3 to reduce the waterbody setback from the high water mark from 30 metres to 16 metres; Section 5.24.5 to permit an accessory building to be erected in front of the projected front of the main building; Section 8.3.1 Waterfront Residential Zone Regulations to permit a reduction in the front yard setback to maximize the waterbody setback.

**Date of Hearing:** November 8, 2018  
**Date of Decision:** November 8, 2018

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

1. Minor variance is for the construction of the detached garage that is setback 6 metres from the top of embankment and setback 16 metres from the high water mark of North Otter Lake as per the drawing submitted and site visit markings. The garage shall be constructed to a maximum of footprint of 30' by 24'.
2. Minor variance is also for reduction of the front yard setback to accommodate maximizing the waterbody setback and required setback from the top of bank. The front yard setback shall not be reduced further than 4.8 metres to the west of the Hydro One lines that dissect the property.
3. Minor variance MV-20-18-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

#### **Item #6d: MV-21-18-B Williams**

Speaking to the Application: Greg Williams

Discussion:

An application for minor variance has been submitted to permit the reconstruction and reconfiguration of a deck attached to a seasonal dwelling at Part Lot 11, Concession 3, District of Bedford, municipally known as 218 Younge Lane. The property has frontage on White Lake and is accessed by Younge Lane, a private lane. The property is undersized compared to current provisions for waterfront lots and has an average depth of 70 metres. The property is developed with a seasonal dwelling and accessory structures.

The applicant is proposing to reconstruct the existing three tier deck as a single tier and increase the setback from the holding tank on the property, while maintaining the waterbody setback. The proposed deck will be approximately 420 square feet with an additional 42 square feet for steps and a small landing. The new decking will be angled to maintain the waterbody setback of 10.6 metres established by the existing decking with a more useable configuration.

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

D. Hahn had no concerns about this application and was glad to see the applicant maintaining the setback from the waterbody.

RESOLUTION: C OF A: 18:11:09

Moved by: Ron Sleeth

Seconded by: Ross Sutherland

**Application No:** MV-21-18-B  
**Owner:** Joan & Greg Williams  
**Location of Property:** Concession 3, Part Lot 11, 218 Younge Lane, District of Bedford, Township of South Frontenac

**Purpose of Application:** To vary Section 10.3 Limited Services Residential – Waterfront and Section 5.8 Flooding and Shoreline Erosion Hazards to permit reconstruction and reconfiguration of an existing deck

**Date of Hearing:** November 8, 2018

**Date of Decision:** November 8, 2018

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

**CONDITIONS:**

1. Minor variance is for the reconstruction of the existing deck as per the sketch submitted with minor variance application MV-21-18-B. The deck shall be located no closer than 10.6 metres from the highwater mark of White Lake with a maximum area of 420 square feet as per the sketch submitted.
2. Minor variance MV-21-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Item #6e: MV-22-18-P Solymar**

Speaking to the Application: none

**Discussion:**

An application for minor variance has been submitted to permit the construction of a dwelling and detached garage located at Part Lot 6, Concession 13, District of Portland, municipally located along Hinchinbrooke Road North. The property has frontage along Howes Lake and is accessed by Hinchinbrooke Road North, a township road. The property meets the provisions in the Township’s Zoning Bylaw with regards to area and frontage with an average depth of 90 metres.

The applicant is proposing to construct a new dwelling and detached garage on the vacant property. The applicants are seeking relief from the Zoning Bylaw to be able to construct the dwelling within a natural clearing within the 30 metre setback which will allow for the preservation of a massive oak tree. The proposed dwelling will have a footprint of 60’ by 30’ with a deck that runs along the front of the dwelling. The detached garage will have a footprint of 16’ by 20’ and will be located outside of the 30 metre setback from Howes Lake, but located closer to the Township maintained road than the proposed dwelling. The applicants are seeking relief from the Zoning Bylaw to permit the accessory building to be located closer to the Township road than the main building. A septic system is proposed to be installed outside of the 30 metre setback; planning staff are awaiting confirmation from KFL&A Public Health that the septic system will be located outside of the 30 metre setback.

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

B. Barbeau stated that he was happy to see the applicant working to preserve the large oak tree close to the building envelope.

RESOLUTION: C OF A: 18:11:13

Moved by: Ron Sleeth

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-22-18-P by Gabor and Shelley Solymar at Part Lot 6, Concession 13, to reduce the waterbody setback from 30 metres to 22.2 metres at the deck and 24 metres to the dwelling to permit the construction of a dwelling with attached deck, and to allow construction an accessory building in the front yard, at a distance of 37.4 metres from the front lot line, subject to conditions.

Carried

**Application No:** MV-22-18-P  
**Owner:** Gabor & Shelley Solymar  
**Location of Property:** Concession 13, Part Lot 6, Hinchinbrooke Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** To vary Section 5.8.2 a and Section 8.3.3 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 24 metres from the high water mark for the construction of a dwelling and 22.2 metres for the attached deck; to vary Section 5.24.2 to permit the erection of an accessory building to the front of the projected front line of the main building  
**Date of Hearing:** November 8, 2018  
**Date of Decision:** November 8, 2018  
**Decision:** MINOR VARIANCE APPROVED, subject to conditions

**CONDITIONS:**

1. Minor variance is for the construction of the dwelling with attached deck to be setback a minimum of 22.2 metres from the highwater mark for the deck and 24 metres from the highwater mark for the dwelling as per the sketch submitted with the application.
2. Minor variance is for the construction of a detached garage that is setback 37.4 metres from the front yard of Hinchinbrooke Road North as per the plans submitted.
3. Minor variance MV-22-18-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Item #7: Other Business**

none

**Item #8: Adjournment**

RESOLUTION: C of A: 18:11:14

Moved by: Ken Gee

Seconded by: Ross Sutherland

THAT the November 8, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:10 p.m. to reconvene at 7:00 p.m. on Thursday, December 13, 2018 or at the call of the Chair.

Carried

\_\_\_\_\_  
 Alan Revill  
 Chair

\_\_\_\_\_  
 Claire Dodds  
 Secretary-Treasurer



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** December 5, 2018

**Application No:** S-94-18-S  
**Owner:** Kauffman  
**Location of Property:** Part Lot 41, Concession 7, District of Storrington, Township of South Frontenac (2961 Bear Creek Rd and Beachnut Hill Road)  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** December 13, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-94-18-S for the creation of one new rural residential lot.

### Proposal

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

#### S-94-18-S

Consent application S-94-18-S is for the creation of a vacant rural residential lot. The proposed new lot will have a minimum of 76 metres (250 feet) along Beachnut Hill Road and a minimum area of 2 acres. The lot will be regularly shaped with a depth of approximately 106 metres. A new entrance is proposed off of Beachnut Hill Road to accommodate future development on the severed lot.

#### Retained Lot

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

### 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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

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. CRCA was circulated the application for review of natural heritage features under the Planning Act. CRCA note in their comments that an intermittent stream and unevaluated wetland exist on the retained lands; the approximate distance from these features to the lot proposed to be severed is 268 metres. CRCA staff are satisfied that a suitable area exists on the retained lands to accommodate any future development. In addition to the watercourses, CRCA staff identified significant woodlands to the south and east of the subject property which are identified as "Contributory Woodlands" in the Central Cataraqui Region Natural Heritage Study. Although the subject lands are not within the significant woodlands, CRCA staff encourage minimal disturbance of the lands for development.

Section 2.5 Mineral Aggregate Resources states that mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. Further, mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Mineral aggregate deposits are identified on the Official Plan approximately 450 metres from the edge of the proposed new lot; this is located on a lot three properties over. This distance corresponds with the Quarry A2 zoning encompassing the mineral aggregate on the property; the Township Official Plan includes a 300 metre influence area for the protection of mineral aggregate resources and separation from existing aggregate operations. The proposed severed lot is beyond the influence set out in section 5.5.2 Influence Area in the Official Plan.

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 November 28, 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. The proposal also conforms to the mineral aggregate policies in the Official Plan; Section 5.5.2 Influence Area sets out an influence area of 300 metres from an existing or proposed quarry. Zoning to permit a quarry was identified on the Land Use Schedule at a distance of 450 metres from the proposed severed lot.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## 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. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage. CRCA staff identified low lying lands on the subject property where water had previously pooled. CRCA advised through email correspondence provided December 5, 2018 that the low lying areas are not regulated as wetlands by the Conservation Authority.

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 dated November 28, 2018, KFL&A Public Health indicated that they have no objection to the consent application. They note that a 400 square metre reserve shall be identified around test hole #1 as surface runoff patterns may impact a septic system in the location of test hole #2. Soil conditions on the lot will require additional suitable granular soil to construct the septic system; this will be determined when an application to construct a sewage disposal system is applied for.

Public Comments – As of the time of writing, no written comments have been received from the public. A phone call was received by a neighbour expressing concern with the application; planning staff returned the call and left a message but have not yet heard from the resident again.

A site visit was completed by planning staff on December 3, 2018 to review the severance application.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-94-18-S shall be for the creation of a lot with a minimum area of 2 acres with a minimum of 76 metres of frontage along Beachnut Hill Road as per the application sketch.

### Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

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

### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-94-18-S, in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

### Well Capacity

9. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-94-18-S.

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





### **Attachments**

Map of the Kauffman property.



**KAUFFMAN  
S-94-18-S**

**Legend**

-  Kauffman Property
-  Proposed Lot
-  Provincially Significant Wetlands
-  Waterbody
-  Wetland

Retained  
Parcel

Proposed  
Severance

BEAR CREEK ROAD

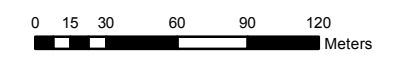
BEACH NUT ROAD

River Styx

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 1:3,200



UTM Projection NAD 83



## CATARAQUI REGION CONSERVATION AUTHORITY

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



November 20, 2018

File: SEV/FRS/254/2018

### Sent by Email

Megan Rueckwald  
Secretary-Treasurer, Committee of Adjustment  
Township of South Frontenac  
P.O. Box 100  
4432 George Street  
Sydenham, ON K0H 2T0

**Re: Application for Consent to Sever (Lot Creation) S-94-18-S (Kauffman)  
Part Lot 41, Concession VII; 2961 Bear Creek Road  
Storrington District, Township of South Frontenac**

Dear Ms. Rueckwald:

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for consent to sever and offer the following comments for the Committee of Adjustment's consideration.

### Summary of the Proposal

The applicant is requesting to create a 0.8 hectare rural residential lot by severance from an existing 7.6 hectare lot located at 2961 Bear Creek Road. The severed land would have frontage on Beachnut Road while the retained would remain as a corner lot with frontage on Beachnut and Bear Creek Roads. The severed portion is vacant while the retained land is developed with a single detached dwelling and attached garage.

### Site Description

The subject lands are located south of the Village of Sunbury and towards the southern boundary of the township. The property, as it currently exists, is forested and slopes steeply approximately 10 metres down towards Beachnut Road effectively dividing the land into high ground on its west side and low ground on its east side. The severed portion is also forested and slopes sharply towards the road.

A low area exists to the north on the retained portion and contains an intermittent stream and an unevaluated wetland. This area is located approximately 268 metres away from the severed portion.

The property is designated 'Rural' on Schedule "A" of the Official Plan and is zoned 'Rural' (RU) on Schedule "C" in the implementing Zoning By-law for the Township of South Frontenac.

## **Discussion**

The main interest of the CRCA in this proposal is the protection of significant woodlands and the avoidance of natural hazards (eg., flooding and erosion) associated with the watercourse near the north portion of the retained land.

### Significant Woodlands

Land to the immediate south and east of the subject land is part of a forest which is identified as 'Contributory Woodlands' in the Central Cataraqui Region Natural Heritage Study. The study recommends that such woodlands should be protected. While this identified area does not extend on to the subject land, the forest is contiguous and thus the woodland should be protected as much as possible. It should be noted that there appears to be a sufficient open area of land on the proposed new lot to accommodate development with minimal impact on these woodlands.

### Watercourse

As noted above, a watercourse is located at the north end of the retained parcel. A suitable buffer is necessary between any new development and the watercourse. This buffer would protect the function of the watercourse by maintaining a riparian corridor while avoiding flooding and erosion normally associated with the watercourse. The CRCA does not have floodplain mapping for this watercourse - consequently we require a minimum 30 metre setback from the highwater mark of the stream for any development. Section 5.8 of the township's zoning by-law also prohibits any development within 30 metres of a waterbody. CRCA policies, under Ontario Regulation 148/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Guidelines, also state, "Where new development is proposed and the elevation of the regulatory floodplain is unknown, a setback of 30 metres from the average high water mark or top of bank will be applied for development provided that there is sufficient difference in elevation (to be determined on a case by case basis)."

Based upon the drawing provided with the application, staff are satisfied that there is sufficient area outside of the watercourse setback for any further future development to occur on the retained parcel.

## **Recommendation**

**Staff have no objection to the approval of application S-94-18-S** based on our consideration for natural hazards, natural heritage and water quality and quantity protection policies. Staff recommend that any future development on the severed lot be located so as to minimize disturbance of the woodlands.

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

lm/as

c.c. Sarah & Jason Kauffman, 2961 Bear Creek Rd., RR2, Inverary, ON, K0H 1X0  
Claire Dodds, Township of South Frontenac (via email)



**CONSENT TO SEVER  
INSPECTION REPORT**

<b>File Number:</b> S-94-18-S		<b>Receipt Number:</b> SK-62-18			
<b>Owner(s):</b> Kauffman, Sarah Louise & Jason Henry					
<b>Municipality:</b> Township of South Frontenac			<b>Ward / Former Township:</b> Storrington		
<b>Lot:</b> Part 41	<b>Concession:</b> 7	<b>Registered Plan:</b> 13R16215	<b>Part(s):</b> 3	<b>Plan of Subdivision:</b>	<b>Sublot:</b>
<b>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</b>					
<b>Severed:</b> Mostly treed lot sloping east toward Beach Nut Road; the proposed severed lot is bordered by the proposed retained lot to the west and north, Beach Nut Road to the east, and a neighbouring lot to the south.					
The lot and soil was very saturated at the time of inspection, as it had been raining for more than 12 hours at that point. Natural drainage patterns on the lot filled test hole #2 with surface runoff.					
<b>Retained:</b> Large, mostly treed lot sloping east toward Beach Nut Road; there is a low-lying marshy area in the northeast corner, and an existing garage and dwelling in the northwest corner; the dwelling is serviced by an existing well and sewage system. The proposed retained lot is bordered by Bear Creek Road to the north, Beach Nut Road to the east, the proposed severed lot to the southeast, and neighbouring lots to the south and west.					
<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>		
Topsoil/organic	----->	0.0 m			
		0.3 m			
Heavy clay		0.6 m			
		0.9 m			
Bottom of test hole #2	----->	1.2 m			
Bottom of test hole #1	----->	1.5 m			
<b>Percolation rate (estimated):</b> >50 min/cm			<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> A 400 square metre area shall be reserved around test hole #1; surface runoff may impact a future sewage sewage in the area around test hole #2.			
<input checked="" type="checkbox"/> Satisfactory					
<input type="checkbox"/> Unsatisfactory					
<input type="checkbox"/> Site Flexible					
<input checked="" type="checkbox"/> Site Specific					
<b><u>RETAINED</u></b>		<b>Conditions:</b>			
<input checked="" type="checkbox"/> Satisfactory					
<input type="checkbox"/> Unsatisfactory					
<input type="checkbox"/> Site Flexible					
<input type="checkbox"/> Site Specific					
<b>Inspector:</b> Matthew Doyle CPHI(C), Public Health Inspector		<b>Approved:</b> 		<b>Date:</b> November 28, 2018	

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




# S-94-18-S Kauffman



Proposed Severances

-  Retained Lot
-  Severed Lot

Test holes

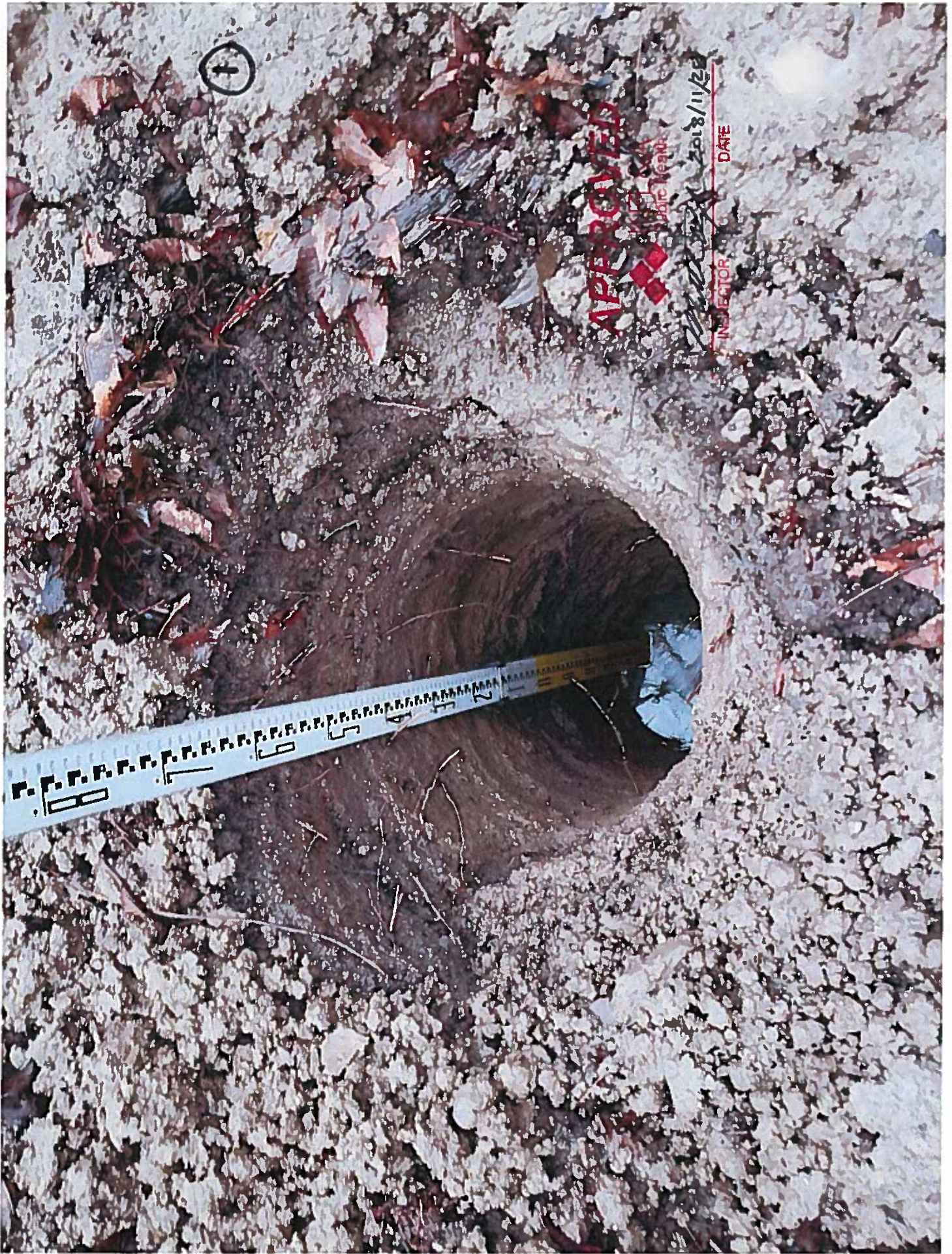
- ①  44.34888, -76.42329
- ②  44.34901, -76.42325
-  Reserved Area

**APPROVED**  
 **KFL&A**  
 Public Health

*Murray* **2018/11/28**  
 INSPECTOR DATE

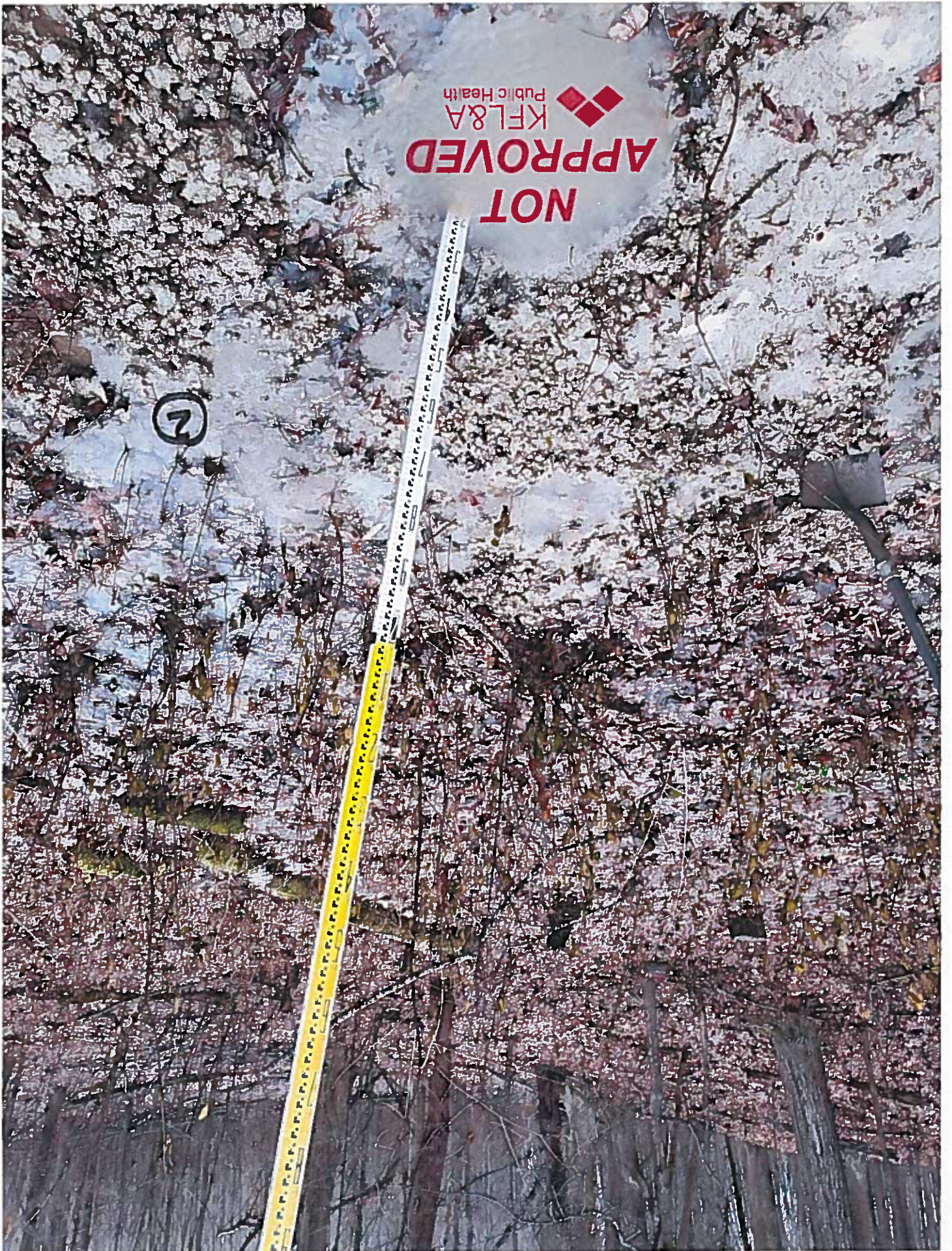
Map data ©2018 Google, Imagery ©2018 DigitalGlobe, New York GIS, USDA Farm Service Agency





**NOT  
APPROVED**  
KFL&A  
Public Health

②





**David & Kelley Donaldson**  
**Con 7 Part Lot 41 RP13R16215**  
**Township of South Frontenac**



**December 10, 2018**

**Re: File# S-94-18-S**

**To Whom It May Concern:**

**We are the owners of Con 7 Part Lot 41 Part 4 on Beach Nut Rd. and we received a notice that the Committee of Adjustment of the Corporation of the Township of South Frontenac is considering an application to create one new 2 acre lot.**

**I currently own the property beside the proposed 2 acre severance and we strongly oppose the severance. These properties were purchased to be estate lots and allowing a 2 acre lot will devalue my lot and other lots in the area. Minimum size for severance should be 8 to 10 acres at least.**

**If you require further information from us please do not hesitate contacting us.**

**Regards,**

A handwritten signature in blue ink, appearing to read "D. L. Kelley Donaldson". The signature is written in a cursive style.

**David & Kelley Donaldson**



**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

Date Received: Oct. 23, 2018

File No: S-94-18-S

1. Name of Owner(s): SARAH LOUISE KAUFFMAN, JASON HENRY KAUFFMAN

Full Mailing Address of Owner(s): [REDACTED]  
[REDACTED]  
[REDACTED]  
SOUTH

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:     Bedford             Portland             Loughborough             Storrington

Concession Number: 7                      Lot Number: 41

Street Number: 2961                      Name of Road/Street: Bear Creek Rd.

Reference Plan Number: 13R16215                      Part Number(s): 3.

Roll Number: 060-030-13050-0000.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): ∅ Frontage (on road/lane): 639.19 ft

Depth: 1297.11 ft Area: 821,006.71 sq. ft.

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

new lots

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:

Retained Lot:

Frontage On Road 250 ft.

Frontage On Road 1047.11 ft

Frontage On Water ∅

Frontage On Water ∅

Depth ~~174.24~~ 348.48

Depth ~~46~~ 287.95

Area 87,120.

Area 733,885.71

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot: Rural Residential

Rural Residential

Retained: Rural Residential

Rural Residential

Structures Existing

Structures Proposed

New Lot: none.

none.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

Structures Existing

Structures Proposed

Retained Lot: house.

same

detached garage.

\_\_\_\_\_

(b) The frontage, depth and the area. **(Complete for a lot addition or right-of-way (R.O.W.) only)**

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property *from which the lot addition is being severed or over which the R.O.W. will run*)

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Area: \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Retained Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (**if known**):

unknown.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (**if known**):

none

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Beechnut Hill Rd.

The retained lot: Bear Creek Rd.

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot is by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: \_\_\_\_\_

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: well Retained Lot: well

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: Private Septic Retained Lot: Private Septic

12. The current zoning of the subject land in the applicable Zoning By-law.

Rural Residential

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (if applicable):

\_\_\_\_\_

14. **If known**, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: MV-10-16-S (b) The decision on the application:  
approved

(c) The current use of the land: Residential

15. Are there any abandoned wells on the property you aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT and MINOR VARIANCE APPLICATIONS

Report Date: December 5, 2018

**Application No:** S-95-18-L and MV-29-18-L  
**Owner:** Snider  
**Location of Property:** Part Lot 4, Concession 4, District of Loughborough, Township of South Frontenac (2869 Rutledge Road)  
**Purpose of Application:** Consent to create one new lot with minor variance to recognize deficient road frontage and deficient lot area. Section 14.3 (Urban Residential – First Density UR1) requires 76 metres of frontage and 2 acres in area; the proposal is for 0.9 acre lot with approximately 50 metres of frontage along Rutledge Road.  
**Date of Hearing:** December 13, 2018

### Recommendation

#### S-95-18-L

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-95-18 for the creation of one new rural residential lot with the condition that MV-29-18-L be approved to recognize the deficient area and frontage of the severed lands. The application was previously approved by the Committee of Adjustment in 2017; the time period to fulfill the conditions of provisional consent lapsed prior to the stamping of the deeds.

#### MV-29-18-L

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application MV-29-18-L to recognize the deficient area and frontage of the severed lands created through application S-95-18-L.

### Proposal

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

#### S-95-18-L

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

#### Retained Lot

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

#### MV-29-18-L

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

1. Section 14.3 Urban Residential Zone Regulations: For a single detached dwelling the minimum lot area is 2 acres.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Requested variance from this section:

- a. Consent application S-95-18-L is for the creation of a lot with a lot area of 0.9 acres (variance request of 1.1 acres).
2. Section 14.3 Urban Residential Zone Regulations: For a single detached dwelling the minimum front yard is 76 metres.

Requested variance from this section:

- a. Consent application S-95-18-L is for the creation of a lot with road frontage of 50 metres along Rutledge Road (variance request of 26 metres).

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

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

Requested variance from this section:

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

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. In order to be considered the application must meet all four 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?

## File History

The proposal before the Committee of Adjustment under consent application S-95-18-L was previously granted provisional consent in June 2017. The time period for fulfilling the conditions of provisional consent lapsed prior to completion. Upon consultation with planning staff it was determined that the proposal did not comply with the provisions of the Zoning Bylaw and relief was required for the lot area and frontage of the severed lot.

## Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural and Settlement Area
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	Rural and Urban Residential 1
Complies with Zoning Bylaw 2003-75:	No, minor variance MV-29-18-L

## 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 1.1.3 of the PPS states that



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The proposal is for the creation of one new lot within the settlement area of Sydenham. The PPS requires that land use patterns within settlement areas shall be based on densities and a mix of uses which: 1. efficiently use land and resources; 2. are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; 3. minimize negative impacts to air quality and climate change, and promote energy efficiency; 4. support active transportation; 5. are transit-supportive, where transit is planned, exists or may be developed; and 6. are freight-supportive. Further, settlement areas shall incorporate a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated. The proposal is for the creation of a new residential lot within the settlement area.

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 CRCA was not circulated the application because no natural features were identified on the application as part of the original circulation in 2017.

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 3.2.2 Settlement Areas speaks to the traditional settlement patterns of Frontenac County. The Plan states that local official plans shall designate settlement areas and determine their boundaries. The Plan further encourages efficient development patterns and road connections in settlement areas to optimize public services and to make the most efficient use of land and resources.

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 May 30, 2017. Public Health stated that a 1 acre lot will allow for the installation of a new septic system in the current location when the system needs to be upgraded.

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

The subject property is designated as Rural and Settlement Area 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 retained lands are partly designated as Rural in the Official Plan.

Section 5.6 Settlement Areas states that it is Council's intention that a majority of the new growth in the municipality will be directed to existing settlement areas where it can be supported by appropriate servicing. Development within settlement areas will be governed by the servicing requirements of Section 6.10 of the Plan. Where municipal services exist, lot creation will only be permitted if sufficient reserve capacity exists to accommodate the proposed development. The Plan further identifies the Village of Sydenham as a Special Study Area. This designation precludes major development until a study is completed. The Plan sets out provisions for where appropriate lot minimums may be reduced when the proposed development is connected to municipal services. It is planning staff's understanding that the existing dwelling has been connected to municipal water in Sydenham.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Township of South Frontenac Zoning Bylaw

The property is zoned Rural (R) and Urban Residential 1 (UR-1) 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 Director of Development Services reached out for confirmation as to whether the agricultural structures on the property are used for the keeping of livestock. The applicant informed that the structures are not used for the keeping of livestock; an MDS calculation would be required to determine if livestock could be housed within the facility. The location of the facility within the settlement area and presence of surrounding non-agricultural lots may impact the ability to keep livestock. As noted above, the rear yard setback for accessory structures in the Rural Zone is 3 metres; planning staff are recommending a 0.5 metre reduction be considered by the Committee to accommodate the lot line as an extension of the existing lot line.

The severed lands are zoned as Urban Residential 1 (UR-1) in the implementing zoning bylaw. Provisions in the Zoning Bylaw require a minimum lot area of 2 acres and 76 metres of road frontage. The applicants are seeking relief from Section 14.3 of the Bylaw to permit an area of 0.9 acres and 50 metres of frontage along Rutledge Road.

## Agency Analysis and Comments

Public Works Department – Public Works has no objection to approving an entrance permit for the retained lands.

KFL&A Public Health – In comments dated May 30, 2017, KFL&A Public Health indicated that they have no objection to the consent application. They note that suitable area exists on the lot to replace the septic system in the same location if/when the system is required to be replaced. Soil conditions on the lot will require additional suitable granular soil to construct the septic system; this will be determined when an application to construct a sewage disposal system is applied for.

Public Comments – As of the time of writing, written comments have been received from a neighbouring property owner requesting to be notified of the decision.

A site visit was completed by planning staff to review the severance application and review the relief sought through MV-29-18-L.

## Conclusion

It is recommended that the Committee of Adjustment approve applications S-95-18-L and MV-29-18-L.

The proposed minor variance application to reduce the area and frontage requirements of the UR-1 zone for the severed lands and reduce the rear yard setback of the retained lands meets the four tests of a minor variance:

- The application conforms to the general intent and purpose of the Official Plan because the lot will be connected to municipal water services and can be adequately serviced as confirmed by KFL&A Public Health. The reduction in the rear yard setback of retained lands will facilitate the creation of a regular lot configuration.
- The application conforms to the general intent and purpose of the Zoning Bylaw as the proposed lot creation can be adequately serviced and fit within the existing fabric of the settlement area. Further, the extent of the lands proposed to be retained is within the UR-1 zone within the settlement area.
- The application is desirable for the appropriate development of the lands in questions because the proposal will sever the existing dwelling from the agricultural lands in a way that will fit within the lot fabric of Sydenham. The reduced area fits within the character of the surrounding lots and the proposed frontage encompasses the entirety of the frontage along Rutledge Road.
- The proposed application is minor because the lot can be adequately serviced and fits within the character of the settlement area and surrounding lots.

## Recommended Conditions of Provisional Consent – S-95-18-L (Snider)



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

## Severed Lands

2. The land to be severed by Consent Application S-95-18-S shall be for the creation of a lot with a minimum area of 0.9 acres with approximately 50 metres of frontage along Rutledge Road as per the application sketch submitted.

## Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

## Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

## Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-95-18-L, in lieu of parkland [Planning Act, s. 51(1)].



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

### Zoning

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

### Connection to Municipal Services

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

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

### **Attachments**




Map of the Snider property.



**SNIDER  
2869 RUTLEDGE RD**

**S-95-18-L**

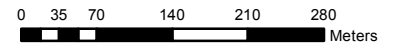
**Legend**

-  Snider proposed lot
-  Snider property
-  Existing Buildings
-  Parcel Fabric

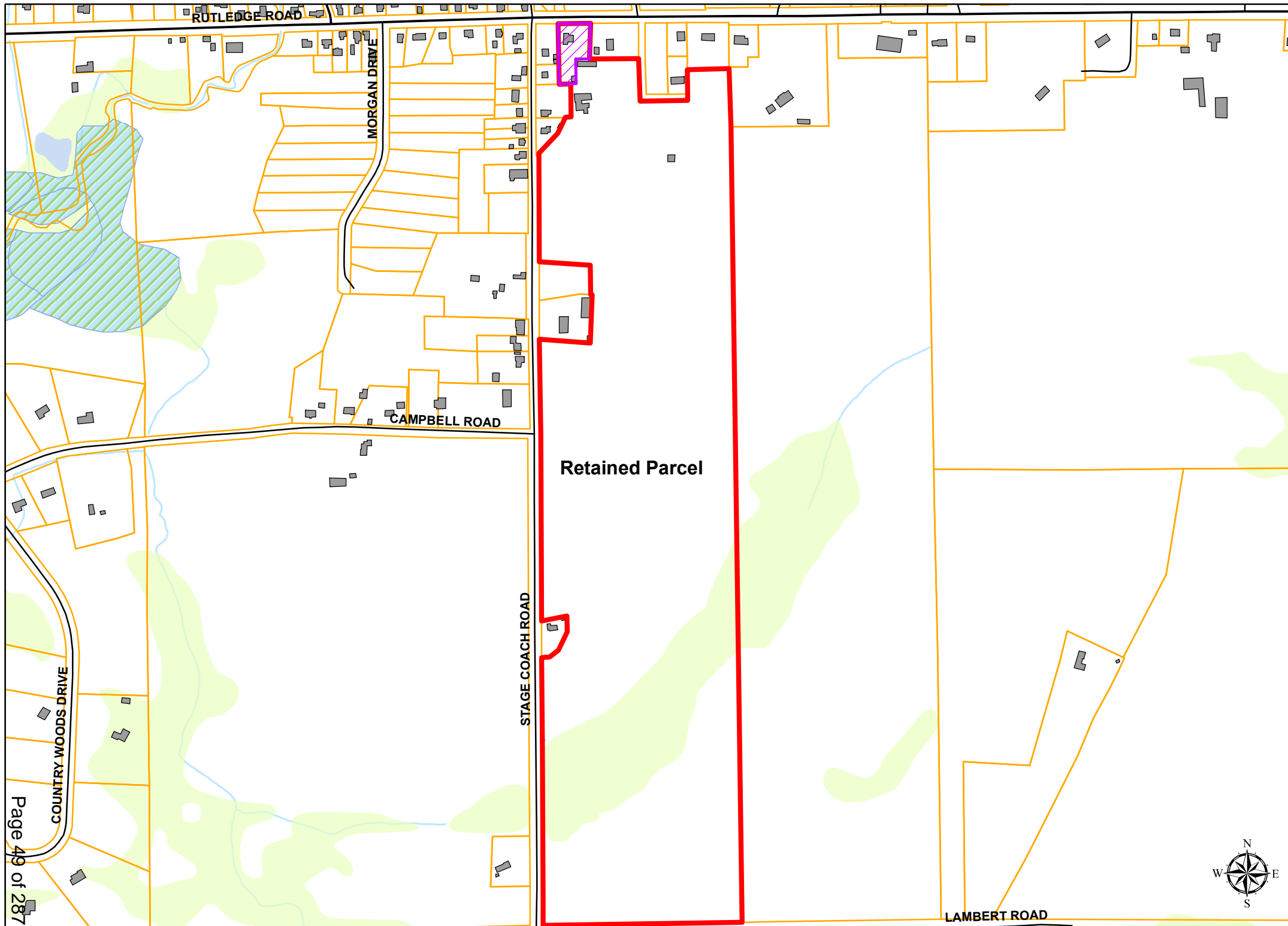
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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 1:7,000



UTM Projection NAD 83



## CONSENT TO SEVER INSPECTION REPORT

File Number: S-22-17-L			Receipt Number: SK-27-2017																														
Owner(s): Snider, Darcy																																	
Municipality: Township of South Frontenac			Ward / Former Township: Loughborough																														
Lot: 4	Concession: 4	Registered Plan:	Part(s):	Plan of Subdivision:	Sublot:																												
<p><b>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</b></p> <p><b>Severed:</b> -House, septic, flat land -On municipal water</p> <p><b>Retained:</b> 2 barns, farm fields</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 style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%; text-align: center;">Severed</th> <th style="width: 20%; text-align: center;">Depth of Soil</th> <th style="width: 30%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">0.0 m</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.3 m</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.6 m</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.9 m</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1.2 m</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1.5 m</td> <td></td> </tr> </tbody> </table>							Severed	Depth of Soil	Retained		N/A	0.0 m	N/A			0.3 m				0.6 m				0.9 m				1.2 m				1.5 m	
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Percolation rate (estimated):			Percolation rate (estimated):																														
<p><b>NOTE:</b> 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><b>Suitability for on-site sewage disposal:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; vertical-align: top;"> <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 style="vertical-align: top;"> <p><b>Conditions:</b></p> <p>-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>-Lot is only 1 acre but can accommodate a new system in area where current system is</p> </td> </tr> <tr> <td style="vertical-align: top;"> <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 style="vertical-align: top;"> <p><b>Conditions:</b></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><b>Conditions:</b></p> <p>-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>-Lot is only 1 acre but can accommodate a new system in area where current system is</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><b>Conditions:</b></p>																								
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Inspector: Miranda Iezzi CPHI(C), Public Health Inspector		Approved: <i>M Iezzi</i>		Date: May 30, 2017																													

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

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Nov. 6, 2018

File No: S-95-18-L

1. Name of Owner(s): D'ARCY SNIDER

Full Mailing Address of Owner(s): [REDACTED]

[REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: JEFF ROSS

Full Mailing Address of Authorized Agent: [REDACTED]

[REDACTED]

Phone number of Authorized Agent: [REDACTED]

Email Address of Authorized Agent: [REDACTED]

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing [REDACTED] variance.

Signature(s) of Owner(s) [REDACTED]

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 4 Lot Number: 4

Street Number: 2869 Name of Road/Street: RUTLEDGE

Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_

Roll Number: 102904001009900

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**



4. The frontage(s), depth and area of the subject land.

Frontage (on water): \_\_\_\_\_ Frontage (on road/lane): 1300<sup>+</sup> FEET  
~~1244 m~~  
 Depth: 304 m Area: 413,224 m<sup>2</sup>

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

NEW LOT

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. (Complete this section for a new lot only)

Proposed New Lot:	Retained Lot:
Frontage On Road <u><del>250</del> 50.29 m</u>	Frontage On Road <u>3087'</u>
Frontage On Water <u>n/a</u>	Frontage On Water _____
Depth <u><del>360</del> 60.51 m</u>	Depth <u>3337'</u>
Area <u><del>2 ACRES.</del> 1 ACRE</u>	Area <u>190 acres</u>

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses	Proposed Uses
New Lot: <u>HOME</u>	<u>- SEVER HOUSE FROM FARM</u>
Retained: <u>FARM LAND</u>	<u>- FARM</u>

Structures Existing	Structures Proposed
New Lot: <u>HOUSE</u>	<u>NONE</u>

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: FARM BUILDINGS

FARM

(b) The frontage, depth and the area. (Complete for a lot addition or right-of-way (R.O.W.) only)

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property *from which the lot addition is being severed or over which the R.O.W. will run*)

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Area: \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Retained Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

unknown

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

NONE

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): RUTLEDGE

The retained lot: STAGE COACH and RUTLEDGE

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot** is **by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: n/a

Retained Lot: n/a.

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: PUBLIC Retained Lot: NONE

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: SEPTIC Retained Lot: NONE

12. The current zoning of the subject land in the applicable Zoning By-law.

RURAL

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: / (b) The decision on the application: /

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (if applicable):

Home

14. If known, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: S-22-17-L (b) The decision on the application:

- approved  
- lapsed

(c) The current use of the land: Residential

15. Are there any abandoned wells on the property you aware of?

Yes

No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$817.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Consent Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend the Committee's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[REDACTED]

  
\_\_\_\_\_  
Signature of A [REDACTED]

DEC [REDACTED]

[REDACTED]



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** December 6, 2018

**Application No:** S-96-18-B  
**Owner:** Doornekamp (Pritchard)  
**Location of Property:** Part Lot 20, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 88 Northwood Lane  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** December 13, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending the receipt of positive comments from KFL&A Public Health that the Committee **approve** application S-96-18-B for the consent of a lot addition to Part Lot 20, Concession 3, District of Bedford, municipally known as 114 Northwood Lane.

### Proposal

An application for consent has been received for the conveyance of a lot addition from an existing rural property at Part Lot 20, Concession 3, District of Bedford, municipally known as 88 Northwood Lake to an abutting property municipally known as 114 Northwood Lane (see attached map). The existing property has frontage on Green Bay Road and Northwood Lane and is developed with a dwelling and various accessory structures. The applicant is proposing to convey approximately 1 acre from the existing 54 acre lot to be added to a developed rural residential lot with frontage on Bobs Lake.

#### S-96-18-B

Consent application S-96-18-B is for the conveyance of 1 acre of land with no road frontage nor waterfrontage to a developed lot municipally known 114 Northwood Lane. The proposed benefitting lands will increase in size from 0.9 acres to just under 2 acres, bringing the lot closer to compliance with the current provisions for waterfront residential lots. The benefitting lands will increase the size of the lot to permit the construction of a garage on the property.

#### Retained Lot

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

### 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, rezoning 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 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 including resource-based recreational uses and Section



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. The proposed lot addition will increase the benefitting lands to create a lot that brings the lot closer into compliance the Limited Service Waterfront Residential zone provisions in the Township's Zoning Bylaw.

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 reviewed the proposal within the context of Section 2 of the PPS. RVCA note that there may be an unevaluated wetland or watercourse to the southwest corner of the lands to be conveyed but that this was difficult to determine on the site visit. Overall, RVCA have no objection to the lot addition but do recommend that the owners of the benefitting lands consider re-naturalization of the shoreline.

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. The application was circulated to the Rideau Valley Conservation Authority for review of natural hazards under the PPS. RVCA did not note any natural hazards on the subject property.

### **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. The proposed consent application will increase the size of the benefitting lands to bring the lands closer into compliance with the Township's Official Plan.

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

The subject property and benefitting lands 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. 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; the retained lands will exceed these requirements. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. The lot addition application does not count towards the creation of a new rural residential lot as there is no increase in development. The proposal will bring the benefitting waterfront residential lands closer into conformity with the policies for lot sizes for waterfront residential lots.

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

The subject property is zoned Rural (RU) in the Township Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agricultural and residential. The benefitting lands are zoned Limited Services Residential – Waterfront (RLSW) in the Township Zoning Bylaw. The consent application will increase the size of the benefitting lands to come closer to being in compliance with the zoning provisions. Planning staff are recommending that the property to be conveyed be rezoned to a single zone to ensure consistency of permitted uses across the subject property. Planning staff are recommending that this zone be RLSW to recognize that the lot is accessible by private lane and has frontage along Bobs Lake.

### **Agency Analysis and Comments**

Public Works Department – There is no impact to access along the Township maintained road.

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

Rideau Valley Conservation Authority – Comments dated December 5, 2018 indicate that RVCA has no objection to the application, but recommends that the benefitting lands be re-naturalized. RVCA



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



reviewed the application within the context of Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the PPS; RVCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; Mississippi-Rideau Source Water Protection Plan, and the Bobs Lake Catchment – West Basin Report.

KFL&A Public Health – As of the date of preparing the report, comments have yet to be received from KFL&A Public Health. Planning staff are recommending that the application be **approved** subject to favourable comments being received from Public Health prior to the meeting.

A site visit was completed by planning staff to review the consent application.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-96-18-B shall be for a lot addition with an area of approximately 1 acre to be conveyed only to 114 Northwood Lane (Roll no. 102901002025300).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 20, Concession 3 (PIN 362420542), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

### Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

8. That the land to be conveyed through consent S-96-18-B be rezoned to create a consistent zone with the benefitting lands; planning staff are recommending that this be Limited Service Waterfront Residential. Contact the Township Planning Department to begin this process.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



9. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

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

### **Attachments**

Map of the Doornekamp property (88 Northwood Lane) showing the lot addition to 114 Northwood Lane.



**DOORNEKAMP (PRITCHARD)  
S-96-18-B**

**88 NORTHWOOD LANE**

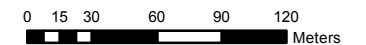
**Legend**

-  Doornekamp Property
-  Proposed Severance
-  Benefitting Lot
-  Parcel Fabric

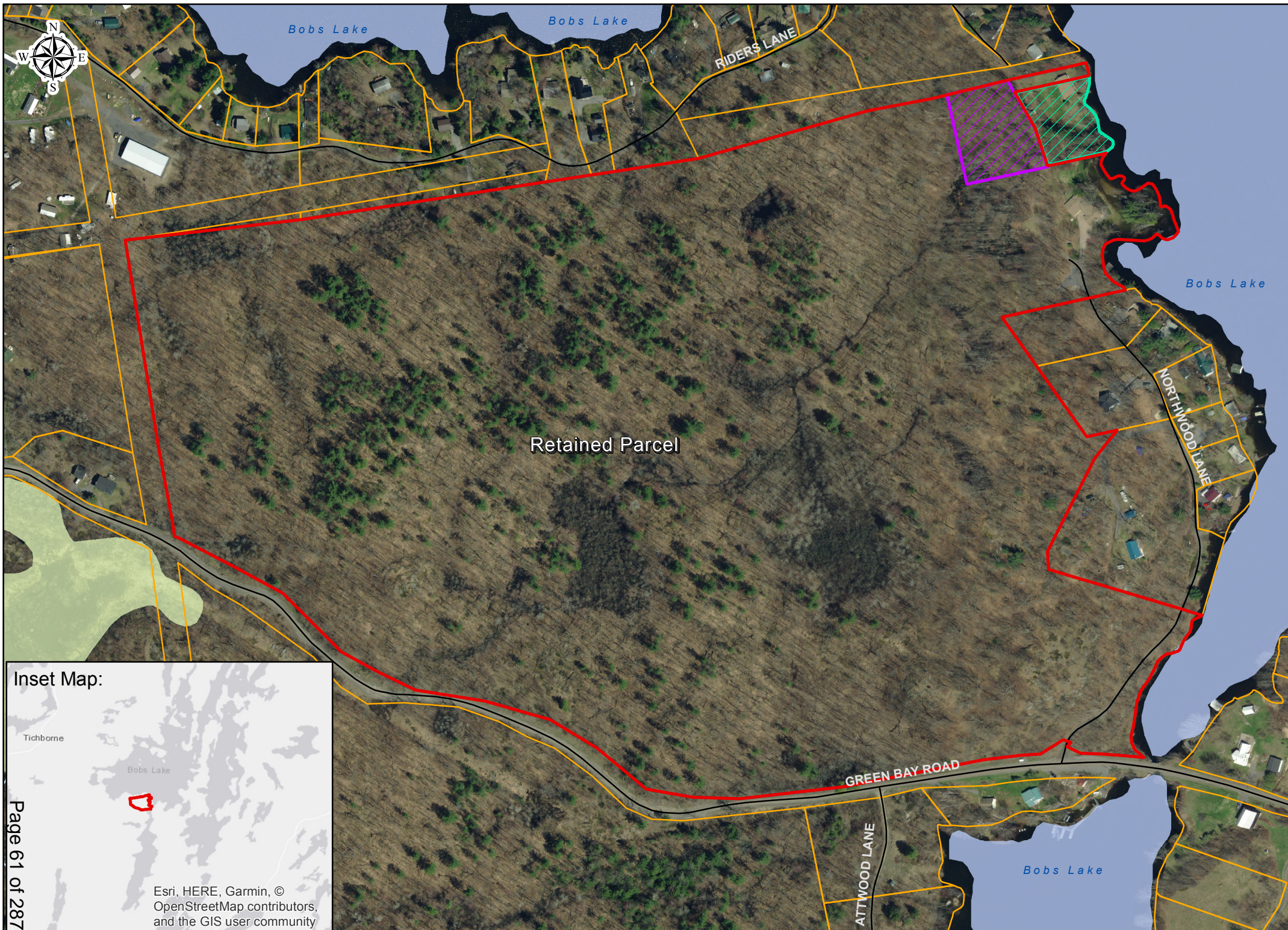
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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.

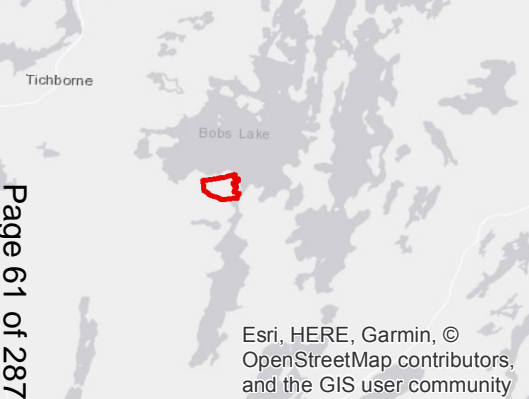
Scale 1:3,500



UTM Projection NAD 83



**Inset Map:**




Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community



**KFL&A**  
Public Health

**REQUESTS FOR COMMENTS**

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

<b>To:</b>	Ms. Megan Rueckwald Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON K0H 2T0
<b>Application Number:</b>	S-96-18B
<b>Type of Application or Proposal:</b>	Lot Addition
<b>Applicant Name(s):</b>	Doornekamp, Rene
<b>Location:</b>	Part Lot 20, Concession 3, Bedford District Township of South Frontenac 88 Northwood Lane
<b>Planning Department or Agency:</b>	Township of South Frontenac (Bedford)
<b>Comments:</b>	KFL&A Public Health has no objections to the proposed lot addition.
<b>Inspector:</b>	 Joanne McGurn, CPHI(C), Public Health Inspector
<b>Date:</b>	December 07, 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.



3889 Rideau Valley Drive  
PO Box 599, Manotick ON K4M 1A5  
T 613-692-3571 | 1-800-267-3504  
F 613-692-0831 | www.rvca.ca

December 5, 2018  
18-SF-SEV (Bedford)

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

Attention: Claire Dodds

Subject: **DOORNEKAMP, René**; Application for Consent **S-96-18-B – 88**  
Northwood Lane, Part Lot 20, Concession 3; Former Township of  
Bedford, Now the Township of South Frontenac; Roll Number:  
1029010020252000000

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Dear Ms. Dodds,

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

- Section 2.1 Natural Heritage, 2.2 Water 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 Mississippi-Rideau Source Water Protection Plan;
- The Bobs Lake Catchment – West Basin Report.

### The Proposal

The RVCA understands this proposal to be for an addition to lot severance. The addition to lot severance would see a 0.4 hectare property be added to 114 Northwood Lane (benefitting lands). The result of this severance would be a retained parcel (88 Northwood Lane) of approximately 30.5 hectares and a total lot area at 114 Northwood Lane of 0.72 hectares.

### The Property

Both the benefitting lot and retained property are located adjacent the west basin of Bob's Lake. During the site visit to the subject property it appeared that a garage was currently under construction adjacent or on the benefitting lands. Several accessory structures were also observed in this location. The shoreline at the benefitting lands

appears to be shoreline rip-rap at the water's edge with manicured lawn located upland of the shore.

A review of the subject property did not indicate the presence of any unstable slopes. It may be that there is an unevaluated wetland or watercourse located at the southwest corner of the proposed severed lands, but this was difficult to determine during the site visit. Bob's Lake does have an identified flood regulation level of 163.07 metres above sea level (geodetic).

## **Review Comments and Recommendations**

### Provincial Policy Statement

The PPS states:

*"Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) Identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- g) Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetation and pervious surfaces."*

### Ontario Regulation 174/06

*Please note that any proposed alterations to watercourses, including replacement of culverts, or alterations to the shoreline of Bob's Lake, 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".*

### Unevaluated Wetlands

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/>.

### Bob's Lake – West Basin

A review of the Bob's Lake – West Basin Catchment Report reveals that water quality near the subject property is rated as "fair" in accordance with the Provincial Water Quality Objectives (PWQO). This is the result of exceedances of nitrogen and slightly elevated pH levels. Overall, the west basin is clear with moderate nutrient levels. It has good aesthetic parameters for recreational use. It does have the potential to be impacted by increased nutrient loading which may result in increased aquatic vegetation and algae blooms. Septic system re-inspection is encouraged to ensure that systems are properly functioning. Phosphate-free soaps and detergents are also recommended.

### Mississippi Rideau Source Water Protection Plan

Most of South Frontenac has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

### **Review Comments and Recommendations**

The RVCA would recommend that the owners of the benefitting lands consider taking advantage of the RVCA's tree planting and shoreline naturalization programs. RVCA staff can assist in planning and planting shoreline vegetation, whether trees or shrubs, and would be willing to discuss grant programs that the applicants may wish to consider. If the applicants are interested in this service they should contact Meaghan MacDonald ([Meaghan.mcdonald@rvca.ca](mailto:Meaghan.mcdonald@rvca.ca) or 613-692-3571 x 1192) at our Manotick office.

### **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 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,

A handwritten signature in black ink, appearing to read "Phil Mosher". The signature is written in a cursive style with a large initial "P".

Phil Mosher  
Planner

cc – Megan Rueckwald, Frontenac County  
cc – René Doornekamp  
cc – Rodney Pritchard  
cc – Joanne McGurn, KFLPHA

**RECEIVED**  
TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: NOV 07 2018 mk

File No: S-96-18-B

1. Name of Owner(s): Rebecca Anne Kamp

Full Mailing Address of Owner(s): [Redacted]

Phone number of Owner(s): [Redacted]

Email Address of Owner(s): [Redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: Rodney Pritchard

Full Mailing Address of Authorized Agent: [Redacted]

Phone number of Authorized Agent: [Redacted]

Email Address of Authorized Agent: [Redacted]

Age [Redacted] hereby authorized to act on behalf of the owners for purposes of [Redacted] for Minor Variance.

X [Redacted Signature]  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford       Portland       Loughborough       Storrington

Concession Number: 3      Lot Number: Part Lot 20

Street Number: 88      Name of Road/Street: Northwood Lane

Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_

Roll Number: 1029 010 020 25200

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 190 Frontage (on road/lane): 500  
 Depth: 700 Area: 23 Acres

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

Lot Addition

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:

Retained Lot:

Frontage On Road φ

Frontage On Road 500 meters

Frontage On Water φ

Frontage On Water 190 meters

Depth 50 Meters

Depth \_\_\_\_\_

Area 1 Acre

Area 22

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

New Lot: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

(b) The frontage, depth and the area. **(Complete for a lot addition or right-of-way (R.O.W.) only)**

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)

Frontage On Road:          $\phi$         

Frontage On Road:         500 meters        

Frontage On Water:          $\phi$         

Frontage On Water:         190 meters        

Depth:         50 ~~ft~~ Meters        

Depth:         \_\_\_\_\_        

Area:         1 Acre        

Area:         22        

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.:         Vacant        

        Storage        

Retained:         \_\_\_\_\_        

        \_\_\_\_\_        

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.):         Vacant        

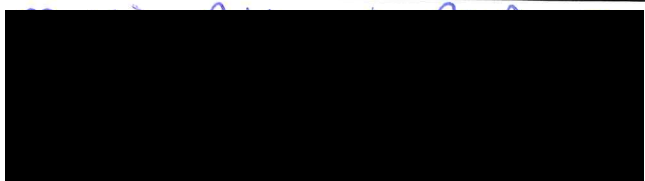
        Garage        

Retained Lot:         House        

        \_\_\_\_\_        

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

        Rodney & Sandra Pritchard          
        114 Northwood Lane          
        Godfrey, On KOHITO        



**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

Northwood Lane

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Northwood Lane

The retained lot: Northwood Lane

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot** is **by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: Nil

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: \_\_\_\_\_ Retained Lot: \_\_\_\_\_

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: \_\_\_\_\_ Retained Lot: \_\_\_\_\_

12. The current zoning of the subject land in the applicable Zoning By-law.

RU

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (if applicable):

\_\_\_\_\_ Nil \_\_\_\_\_

14. If known, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ Nil \_\_\_\_\_ (b) The decision on the application:

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$817.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Consent Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend the Committee's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[REDACTED]



## PLANNING REPORT – CONSENT APPLICATION

Report Date: December 6, 2018

**Application No:** S-97-18-B  
**Owner:** McSorley  
**Location of Property:** Part Lot 6, Concession 3, District of Bedford, Township of South Frontenac, municipally known as Second Heaven Lane, Thirty Island Lake  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** December 13, 2018

---

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-97-18-B for the consent of a lot addition to Part Lot 6, Concession 3, District of Bedford, municipally known as 71 Second Heaven Lane (see attached map).

### Proposal

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

#### S-97-18-B

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

#### Retained Lot

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

### Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	RU
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 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 limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. The proposed lot addition will increase the benefitting lands adding additional space and buffer to the lot.



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. Quinte Conservation identified a tributary of Thirty Island Lake and unnamed wetlands on the subject property. Quinte Conservation are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement. No further development is proposed for the lands to be conveyed; once conveyed, accessory structures are permitted on the benefitting lands.

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. Quinte Conservation staff are satisfied that the application as presented is consistent with section 3.1 of the PPS as there is sufficient area for development outside the flood hazard.

### **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. The proposed consent application will increase the size of the befitting lands for additional buffering and privacy. The retained lands will remain a sufficient area to support future development.

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

The subject property and benefitting lands 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. Section 5.7.7 Limited Services Residential Policies permit waterfront residential development down private lanes in the Township. As a rule, the minimum lot sizes are to be 1 hectare (2.5 acres) with a minimum of 91 metres of frontage along the waterbody and 76 metres of frontage along the private lane. A maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. The lot addition application does not count towards the creation of a new limited services lot as there is no increase in development. The retained lot will continue to conform with the Official Plan.

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

The subject property is zoned Rural (RU) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zone is to permit a variety of uses that are compatible with the rural landscape including residential and agricultural uses and those ancillary. The benefitting lands are zoned Limited Service Residential Waterfront Exception Zone 65 (RLSW-65) in the implementing bylaw. The site specific zoning requires a 40 metre setback from the highwater mark or floodline of the waterbody (Thirty Island Lake). Planning staff are recommending that a condition of provisional consent be that the land to be conveyed be rezoned to recognize the enhanced setback on the benefitting lands. The retained lands will continue to exceed the minimum requirement for road frontage, waterfrontage and area.

### **Agency Analysis and Comments**

Public Works Department – Public Works was not circulated the application due to the fact the property is located along a private lane.

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

KFL&A Public Health – Comments dated November 28, 2018, indicate that Public Health has no objections to the proposed lot addition.



Quinte Conservation – Comments dated November 28, 2018, indicate that Quinte Conservation has no objection to the application as presented. Quinte Conservation reviewed the application with regards to the natural hazard and heritage policies of the Provincial Policy Statement, as well as Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). Quinte Conservation notes that the owners will need to apply for a permit prior to any development (construction/filling/excavation/site grading) within 30 metres of the 1:100 year flood plan of Thirty Island Lake, within 30 metres of the high water mark of the tributary, and within 30 metres of any wetland boundary (whichever is greater).

A site visit was completed by planning staff on December 3, 2018 to review the consent application.

## Conclusion

It is recommended that the Committee receive comments from the public and subject to comments received **approve** application S-97-18-B subject to the following proposed conditions.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-97-18-B shall be for a lot addition with an area of approximately 2.7 acres and 102 metres of frontage along Thirty Island Lake to be conveyed only to 71 Second Heaven Lane (Roll no. 102902004005630).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 6, Concession 13 (PIN 362510301), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

### Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.



### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
9. That the land to be conveyed through consent S-97-18-B be rezoned to one consistent zone of the benefitting lands to recognize the enhanced setback provisions of 40 metres. Contact the Township Planning Department to begin this process.

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

### **Attachments**

Map of the lands to be conveyed from the McSorley property.



Thirty Island Lake

Thirty Island Lake

Retained Parcel

SECOND HEAVEN LANE

STEVE BARCOCK ROAD



**MCSORLEY  
S-97-18-B**

**144 MCGOWAN LANE**

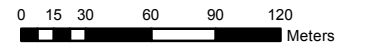
### Legend

-  Patterson Property
-  Proposed Severance
-  Benefitting Lot
-  Owner Parcels (PINS)

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

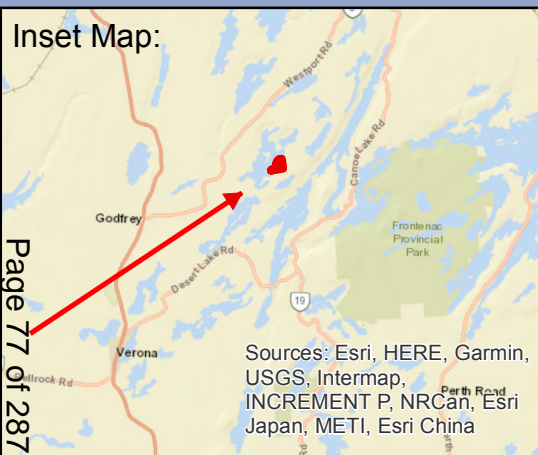
While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:3,500



UTM Projection NAD 83

### Inset Map:



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China

## QUINTE CONSERVATION - PLANNING ACT REVIEW

**QC File No. PL0269-2018**

<b>Municipality:</b>	Township of South Frontenac		
<b>Owner:</b>	Joan McSorley		
<b>Location:</b>	2 <sup>nd</sup> Heaven Lane	Part Lot 6, Concession 3	Bedford
<b>Roll #:</b>	1029-020-040-06700-00000		
<b>Application Description:</b>	Consent Application File No. S-97-18-B	Sever rural parcel for the purposes of a lot addition to 71 2 <sup>nd</sup> Heaven Lane	
<b>Feature:</b>	Thirty Island Lake, tributary of Thirty Island Lake, and unnamed wetlands		
<b>Comments:</b>	<p><b><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></b></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands.</p> <p><u>Staff are satisfied that the application as presented is consistent with section 3.1 of the PSS as there is sufficient area for development outside the flood hazard.</u></p> <p><b><u>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)</u></b></p> <p>The subject lands lie within the regulated area of Thirty Island Lake, a tributary of Thirty Island Lake, and unnamed wetlands. <u>Please note that the owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 30 metres of the 1:100 year flood plain of Thirty Island Lake, within 30 metres of the high water mark of the tributary, and within 30 metres of any wetland boundary (whichever is greater).</u></p> <p><b><u>Quinte Region Source Protection Plan</u></b></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> to the subject property as it lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system.</p> <p><u>As such no Section 59 Clearance Notice is required.</u></p>		

	<p><b><u>Planning Act - Natural Heritage policies of the Provincial Policy Statement</u></b></p> <p>Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects features such as; Provincially significant wetlands, significant woodlands and significant areas of natural and scientific interest.</p> <p><u>Staff are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement.</u></p>
<p><b>Final Comments:</b></p>	<p>Quinte Conservation has no objection to the application as presented.</p>



\_\_\_\_\_  
 Sam Carney  
 Planning and Regulations Technician

November 28, 2018

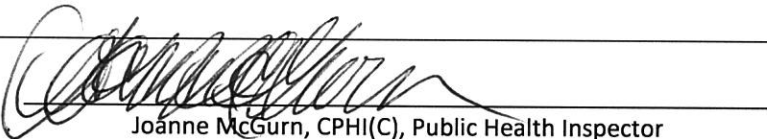
Date



**KFL&A**  
Public Health

**REQUESTS FOR COMMENTS**

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

<b>To:</b>	Ms. Megan Rueckwald Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON 2T0
<b>Application Number:</b>	S-97-18B
<b>Type of Application or Proposal:</b>	Lot Addition
<b>Applicant Name(s):</b>	McSorley, Joan
<b>Location:</b>	Lot 6, Concession 3, Bedford District Township of South Frontenac
<b>Planning Department or Agency:</b>	Township of South Frontenac (Bedford)
<b>Comments:</b>	KFL&A Public Health has no objections to the proposed lot additions.
<b>Inspector:</b>	 Joanne McGurn, CPHI(C), Public Health Inspector
<b>Date:</b>	November 28, 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.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Nov. 7/18 File No: \_\_\_\_\_

1. Name of Owner(s): JOAN McSORLEY (McGowan)  
Full Mailing Address of Owner(s): \_\_\_\_\_  
\_\_\_\_\_  
Phone number of Owner(s): \_\_\_\_\_  
Email Address of Owner(s): \_\_\_\_\_

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_  
Full Mailing Address of Authorized Agent: \_\_\_\_\_  
\_\_\_\_\_  
Phone number of Authorized Agent: \_\_\_\_\_  
Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

\_\_\_\_\_  
Signature(s) of Owner(s)

3. The description of the subject land:  
District:  Bedford     Portland     Loughborough     Storrington  
Concession Number: 3 Lot Number: 6  
Street Number: 144 Name of Road/Street: McGowan Lane  
Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_  
Roll Number: 2-4-06700

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): \_\_\_\_\_ Frontage (on road/lane): \_\_\_\_\_

Depth: \_\_\_\_\_ Area: \_\_\_\_\_

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

\_\_\_\_\_

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:

Retained Lot:

Frontage  
On Road \_\_\_\_\_

Frontage  
On Road \_\_\_\_\_

Frontage  
On Water \_\_\_\_\_

Frontage  
On Water \_\_\_\_\_

Depth \_\_\_\_\_

Depth \_\_\_\_\_

Area \_\_\_\_\_

Area \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

New Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

(b) The frontage, depth and the area. (Complete for a lot addition or right-of-way (R.O.W.) only)

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)

Frontage On Road: 80 meters

Frontage On Road: 360 meters

Frontage On Water: 102 meters

Frontage On Water: 91 meters

Depth: 112 "

Depth: 300 meters

Area: 2.7

Area: 26.5

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: ~~None~~ Vacant Land

Vacant

Retained: ~~None~~ None Vacant

Vacant

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): None

None

Retained Lot: None

None

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (if known):

Gerrit Buitenhuis 71 Second Heaven Lane

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

Private Road

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): 2nd Heaven Lane

The retained lot: \_\_\_\_\_

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot** is **by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: \_\_\_\_\_

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: \_\_\_\_\_ Retained Lot: \_\_\_\_\_

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: \_\_\_\_\_ Retained Lot: \_\_\_\_\_

12. The current zoning of the subject land in the applicable Zoning By-law.

RURAL

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: Yes (b) The decision on the application: approved

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (*if applicable*):

\_\_\_\_\_

14. **If known**, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:

\_\_\_\_\_

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
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- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

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- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** December 6, 2018

**Application No:** S-98-18-B  
**Owner:** Stewart and Petryshen  
**Location of Property:** Part Lot 26, Concession 10, District of Bedford, Township of South Frontenac, municipally known as 344 Briggs Lane  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** December 13, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-98-18-B for the consent of a lot addition to Part Lot 27, Concession 10, District of Bedford, municipally known as 279 Briggs Lane.

### Proposal

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

#### S-98-18-B

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

#### Retained Lot

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

### 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:	Rural (RU)
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 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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. The proposed lot addition will provide legal deeded access to Briggs Lane to facilitate the establishment of a conservation easement on the benefiting lands.

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 reviewed the application within the context of Section 2.1 Natural Heritage and 2.2 Water of the PPS. RVCA recognize the existing lot configuration transects the unevaluated wetland and that the proposed severance will not result in any change. Further, the proposal for a conservation easement over the benefitting lands will further support the objectives of Section 2 of the PPS.

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. Rideau Valley Conservation Authority staff are satisfied that the application as presented is consistent with Section 3.1 of the PPS.

### **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. The proposed consent application will increase the size of the benefitting lands to provide legal deeded access to facilitate a conservation easement. The retained lands will remain a sufficient area to support future development.

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

The subject property and benefitting lands 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. Section 5.7.7 Limited Services Residential Policies permit waterfront residential development down private lanes in the Township. As a rule, the minimum lot sizes are to be 1 hectare (2.5 acres) with a minimum of 91 metres of frontage along the waterbody and 76 metres of frontage along the private lane. A maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. The lot addition application does not count towards the creation of a new limited services lot as there is no increase in development. The lot addition will provide legal deeded access and frontage along Briggs Lane, which meets the intent of the Official Plan.

The subject property is also designated as Environmental Protection in the Township Official Plan. No new development is proposed as a result of the application that would impact the Environmental Protection designation. Further, the application was reviewed by Rideau Valley Conservation Authority within the context of Section 2.1 Natural Heritage of the PPS; RVCA have no objection to the application.

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

The subject property is zoned Rural (RU) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zone is to permit a variety of uses that are compatible with the rural landscape including residential and agricultural uses and those ancillary. The benefitting lands are also zoned Rural in the implementing bylaw. Following the lot addition, the retained lands will have legal deeded access along Briggs Lane. The retained lands will continue to exceed the minimum requirement for road frontage, waterfrontage and area.

### **Agency Analysis and Comments**



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Public Works Department – Public Works was not circulated the application due to the fact the property is located along a private lane.

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

Rideau Valley Conservation Authority – Comments dated November 30, 2018, indicate that Rideau Valley Conservation Authority have no objection to the application. Planning staff reviewed the application within the context of the Provincial Policy Statement, The Rideau Valley Conservation Authority (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses” Regulation 174/06), Mississippi-Rideau Source Water Protection Plan, Rideau Lakes – Wolfe Lake Catchment Report, and Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies.

A site visit was completed by planning staff to review the consent application.

## Conclusion

It is recommended that the Committee receive comments from the public and subject to comments received **approve** application S-98-18-B subject to the following proposed conditions.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-98-18-B shall be for a lot addition with an area of approximately 0.32 acres and approximately 46 metres of frontage along Briggs Lane to be conveyed only to 279 Briggs Lane (Roll no. 102901001020100).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 27, Concession 10 (PIN 362390476), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

### Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

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

### **Attachments**







Map of the lands to be conveyed from the Stewart and Petryshen property.



**STEWART-PETRYSHEN  
S-98-18-B**

**MACDOUGAL  
S-99-18-B**

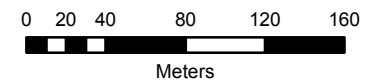
**Legend**

-  McDougal Property
-  Proposed Severance - MacDougal
-  Stewart/Petryshen Property
-  Proposed Severance- Stewart-Petryshen
-  Existing Buildings
-  Parcel Fabric

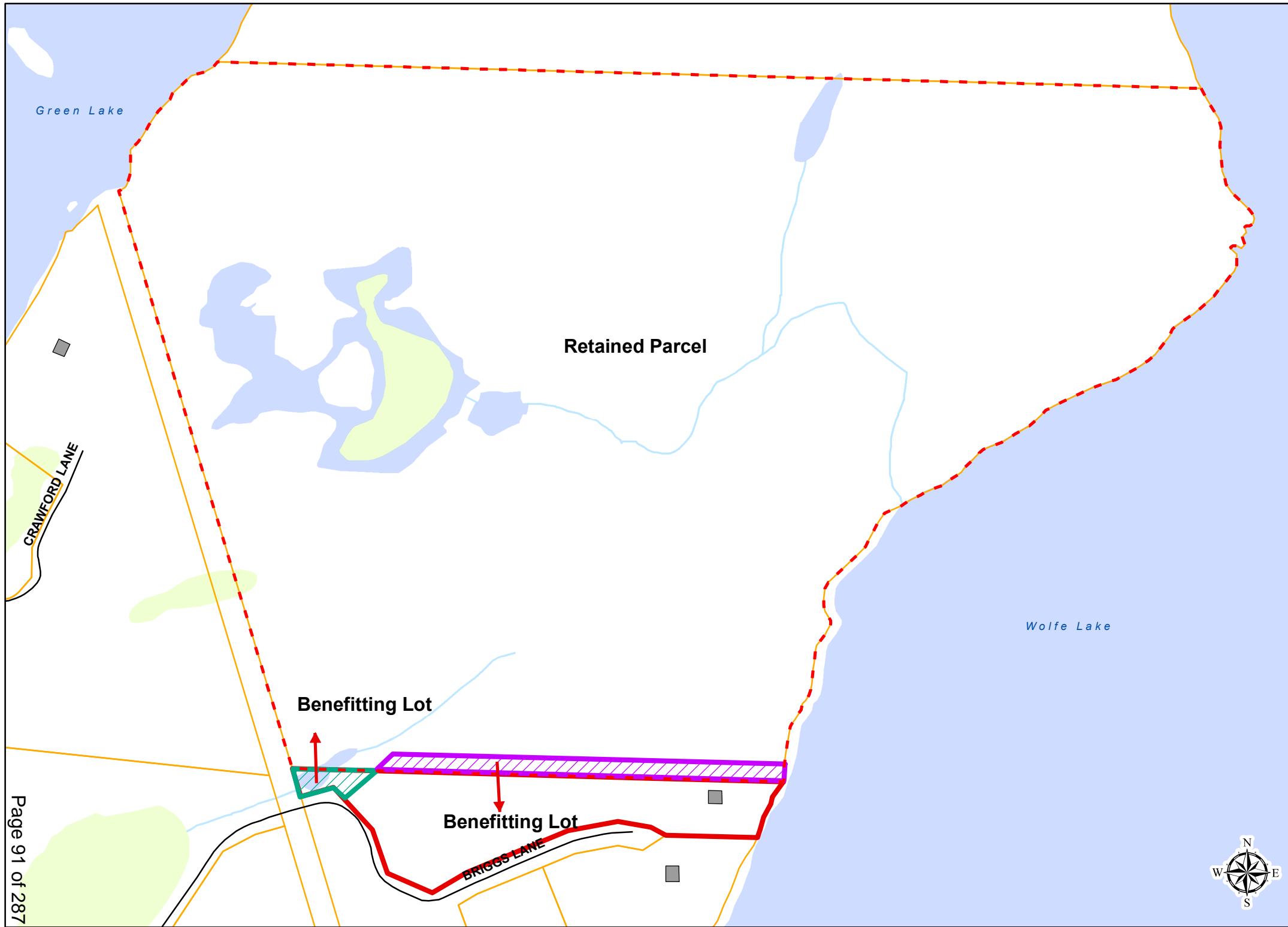
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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 1:3,800



UTM Projection NAD 83





November 30, 2018  
18-SFR-SEV (Bedford)

3889 Rideau Valley Drive  
PO Box 599, Manotick ON K4M 1A5  
T 613-692-3571 | 1-800-267-3504  
F 613-692-0831 | www.rvca.ca

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

Attention: Claire Dodds

Subject: **MACDOUGALL, Elizabeth**; Application for Consent **S-98-18-B** – 344  
Briggs Lane, Part Lot 26, Concession 10; Former Township of Bedford,  
Now the Township of South Frontenac; Roll Number:  
1029010010201000000

Dear Ms. Dodds,

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

- Section 2.1 Natural Heritage, 2.2 Water 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 Mississippi-Rideau Source Water Protection Plan;
- The Rideau Lakes – Wolfe Lake Catchment Report;
- The Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies

### The Proposal

The RVCA understands this proposal to be for a lot addition of approximately 0.12 hectares from 344 Briggs Lane to 279 Briggs Lane. This application is part of a related file (S-99-18-B). The effect of these two applications is a "land swap" between the two properties. The RVCA understands this proposal will allow proper access to 279 Briggs Lane from the right-of-way where this does not presently exist. It is the understanding of the planner reviewing the file that a conservation easement is being pursued on 279 Briggs Lane.

## The Property

The subject property has a large geographic area. During the site visit, it was not feasible to walk the entire property. What was observed was the private driveway leading to 279 Briggs Lane. This driveway was located next to an unevaluated wetland and watercourses. Elevation on the properties was quite varied, rising steeply from the proposed access to the east and generally varying.

A review of the aerial photography for the subject property indicates the presence of a watercourse. As stated above, this watercourse runs through an unevaluated wetland (which had not appeared on our aerial photography). Both 279 and 344 Briggs Lane are located adjacent Wolfe Lake.

A review of the subject property did not indicate the presence of any unstable slopes, nor floodplain mapping.

## Review Comments and Recommendations

### Provincial Policy Statement

The Provincial Policy Statement (PPS) indicates that Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity...and protecting natural heritage [and] water...for their economic, environmental and social benefits. In addition, the PPS states that reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards also contributes to the long-term prosperity of the province.

Accordingly, the following relevant sections of the PPS are cited in relation to the subject property:

*"Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) *Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) *Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) *Identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- e) *Implementing necessary restrictions on development and site alteration to:*
  1. *Protect, improve or restore...sensitive surface water features...and their hydrologic functions;*

There are no natural hazards within the meaning of Section 3.1 of the PPS that have been mapped in relation to the subject property.

### Ontario Regulation 174/06

The applicants should be aware that Wolfe Lake and the existing watercourses observed during the site visit are regulated as watercourses under Ontario Regulation 174/06. As such any proposed alterations to the shoreline of Wolfe Lake, or to the watercourses, including replacement of culverts, requires the prior written permission of the RVCA in accordance with our regulation (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under Section 28 of the Conservation Authorities Act.

### Rideau Lakes – Wolfe Creek Catchment Report (2014)

The subject property is adjacent Wolfe Lake. Wolfe Lake has been given a water quality rating of "fair" based on the Provincial Water Quality Objectives (PWQO). Where this type of rating is assigned, efforts such as diversion of runoff and enhanced shoreline buffers are important to continue to protect and enhance water quality. Wolfe Lake is characterized as having moderate concentration of nutrients, generally suitable fish habitat conditions and good water clarity. A proactive, cautionary program of best management practices is important to ensure the protection of the lake environment. This program should include reduction of nutrients through practices such as proper maintenance of septic systems, keeping shorelines natural and using phosphate free soaps and detergents.

### Mississippi Rideau Source Water Protection Plan

Most of South Frontenac has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

### Unevaluated Wetlands, Natural Heritage Features & Other Features, Proposed Boundary Adjustment

Historically, the planner reviewing these types of development, where natural features are proposed to be transected, has recommended that lot boundaries not further transect them or that the boundaries maintain appropriate linkages as discussed in section 2.1.2 of the PPS. For the current application, the lot boundary already transects the unevaluated wetland and the proposed severance will not result in any change, nor would avoidance of this feature be feasible for the current geography.

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/>.

### Rideau Lakes Study

This study makes recommendations regarding minimum setbacks and vegetation retention. It is recommended that buildings and structures continue to meet a minimum setback of 30 metres from water bodies and that natural vegetation buffers be maintained.

### **Conclusions**

It is the understanding of the RVCA that the applicants plan to enter into a conservation easement for 279 Briggs Lane following the completion of this severance application. Such an easement is supported by the RVCA for the subject property as it can assist with implementing Sections 2.1, 2.2 and 3.1 of the PPS.

In conclusion, The RVCA has no objection to the subject application. The RVCA would like its comments 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 – Elizabeth MacDougall  
cc – Susan Stewart  
cc – Joanne McGurn, KFLPHA  
cc – Megan Rueckwald, South Frontenac

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Nov. 9/18

File No: S-98-18-B

1. Name of Owner(s): Susan Stewart + Ken Petryshen

Full Mailing Address of Owner(s): [REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: ELIZABETH MACDOUGALL

Full Mailing Address of Authorized Agent: [REDACTED]

Phone number of Authorized Agent: [REDACTED]

Email Address of Authorized Agent: [REDACTED]

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

[REDACTED]  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Stormington

Concession Number: 10 Lot Number: 26

Street Number: 344 Name of Road/Street: BRIGGS LANE

Reference Plan Number: BR-8720 Part Number(s): (

Roll Number: 10 29 010 010 10708

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 175' (53.3 m)      Frontage (on road/lane): 1204' (367 m)  
 Depth: IRREGULAR { SEE SKETCH 1 } TABLE 2      Area: 5.36 ACRES

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

TRANSFER FOR LOT ADDITION

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:

Retained Lot:

Frontage  
On Road \_\_\_\_\_

Frontage  
On Road \_\_\_\_\_

Frontage  
On Water \_\_\_\_\_

Frontage  
On Water \_\_\_\_\_

Depth \_\_\_\_\_

Depth \_\_\_\_\_

Area \_\_\_\_\_

Area \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

New Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

(b) The frontage, depth and the area. **(Complete for a lot addition or right-of-way (R.O.W.) only)**

Proposed Lot Addition (or right-of-way)

SEE SKETCH 2

Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)

AFTER BOTH LOT ADDITIONS

Frontage On Road: 150' (46m)

Frontage On Road: 1054' (321 m)

Frontage On Water: 0

Frontage On Water: 208' (63 m)

Depth: ~50-105' (15-32m)

Depth: IRREGULAR { SEE SKETCH 2 }  
 { TABLE 2 }

Area: ~ 0.32 acres

Area: 5.93 acres

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: PART OF COTTAGE LOT

{ ROAD ACCESS TO LOT 27, FOR  
 INCLUSION IN CONSERVATION  
 EASEMENT TO R.V.C.A }

Retained: COTTAGE LOT

NO CHANGE

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): NONE

NONE

Retained Lot: COTTAGE

NO CHANGE

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

ELIZABETH MACDOUGALL

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

\_\_\_\_\_

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): BRIGGS LANE

The retained lot: BRIGGS LANE

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot** is **by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: N/A

Retained Lot: N/A

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: N/A Retained Lot: NO CHANGE

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: N/A Retained Lot: NO CHANGE

12. The current zoning of the subject land in the applicable Zoning By-law.

RURAL

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: S-28-18-B (b) The decision on the application: PROVISIONAL  
CONSENT TO RIGHT-OF-WAY

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (if applicable):

DID NOT PROCEED BECAUSE OWNER DECIDED NOT TO FINALIZE

14. If known, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:  
\_\_\_\_\_

(c) The current use of the land: COTTAGE LOT

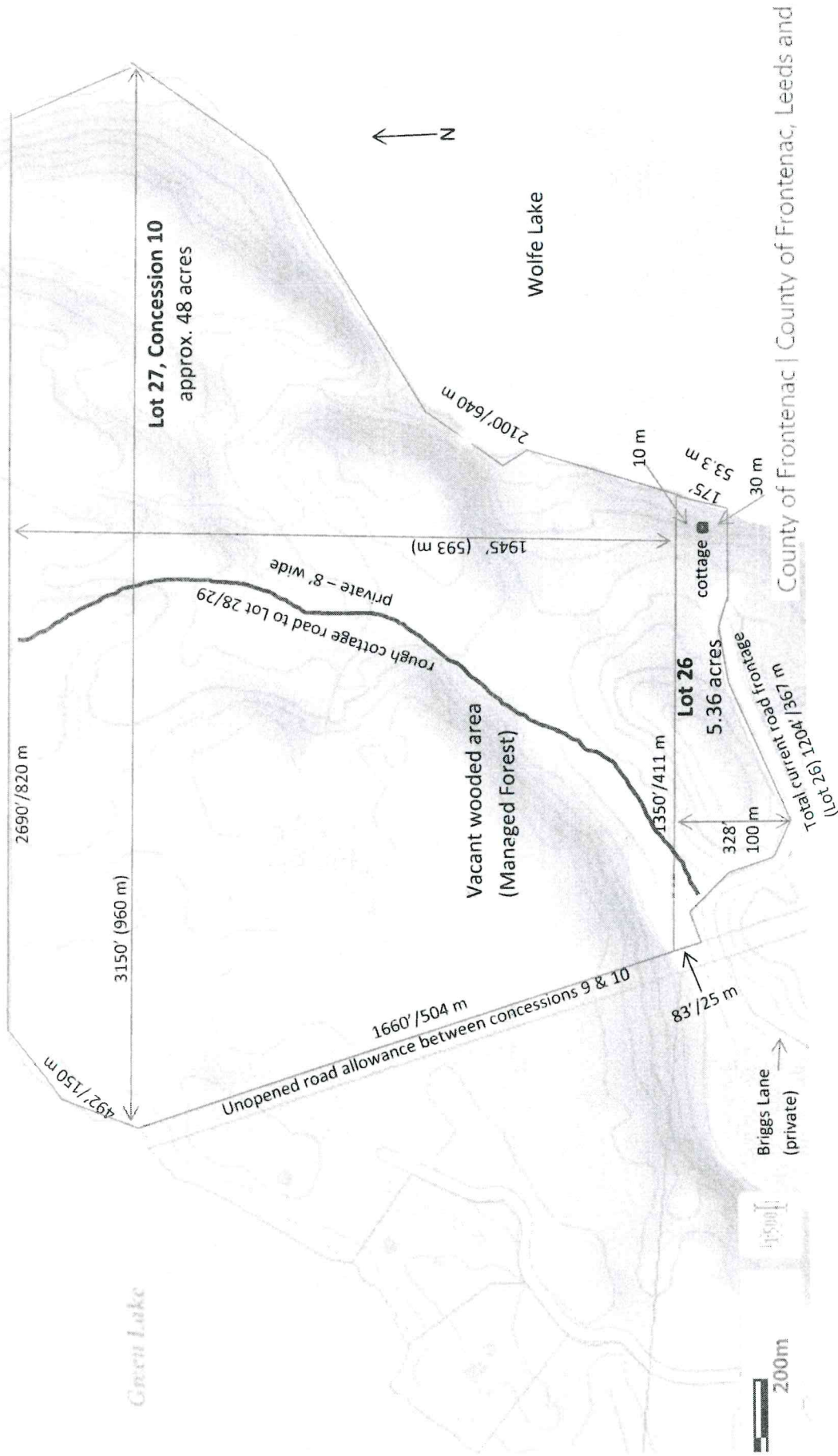
15. Are there any abandoned wells on the property you are aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

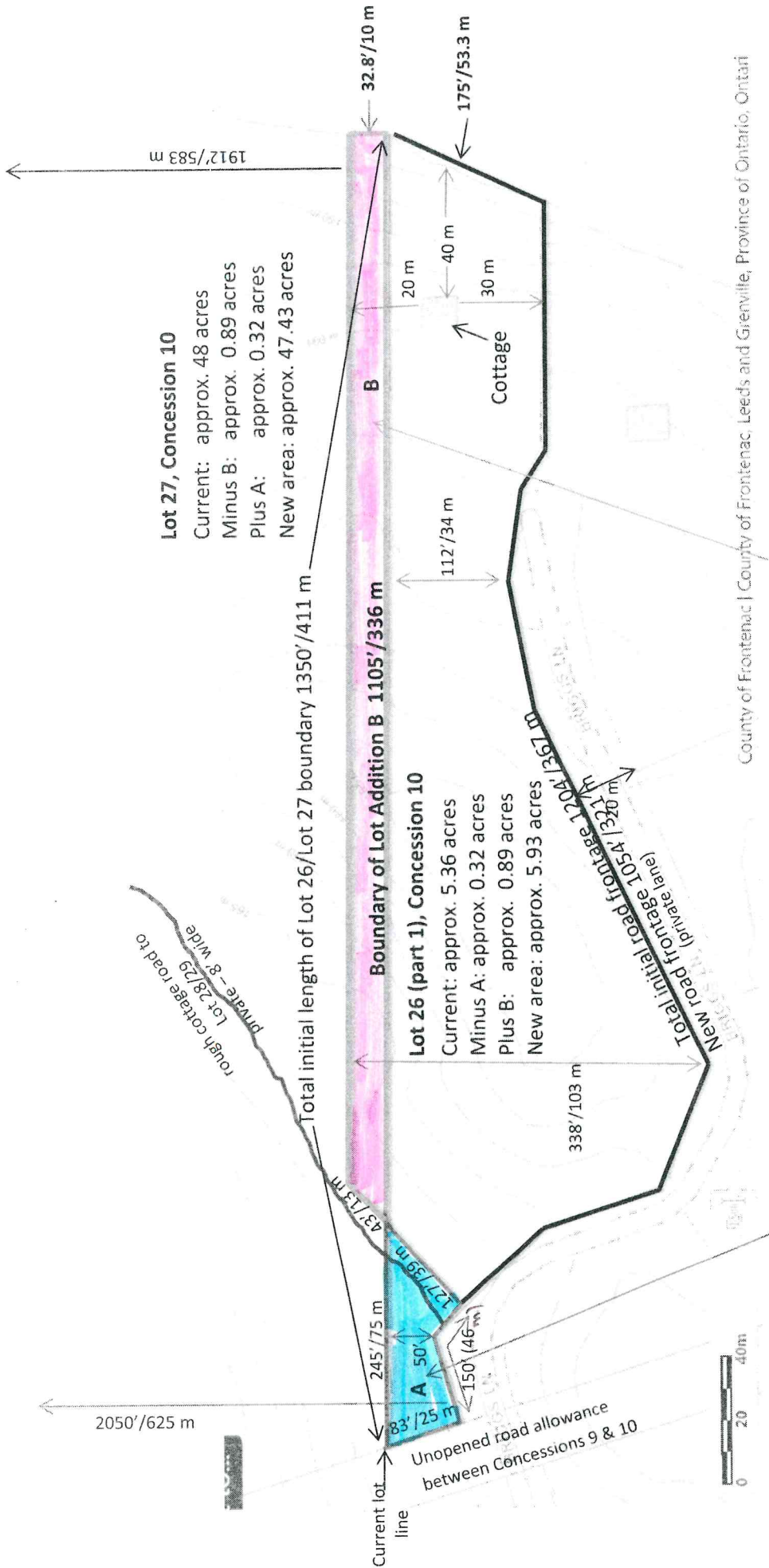
- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**



Sketch 1: Current Dimensions of Lot 26 (Part 1) and Lot 27



**Sketch 2: Approximate Dimensions, Showing Lot Additions**

(additional measurements in appended tables)

Table 1: Transfer of Lot Addition from MacDougall to Stewart-Petryshen

	Proposed Lot Addition B	Retained Lot (Lot 27)		
		Current	Minus B	Minus B plus A
Frontage on Road	0	0		approx. 150' (46 m)
Frontage on Water	33' (10 m)	approx. 2100' (640 m)	approx. 2067' (630 m)	approx. 2067' (630 m)
Depth	approx. 1105' (336 m)	approx. 3150' (960 m)	approx. 3150' (960 m)	approx. 3150' (960 m)
Area	approx. 0.89 acres	approx. 48 acres	approx. 47.11 acres	approx. 47.43 acres

Table 2: Transfer of Lot Addition from Stewart-Petryshen to MacDougall

	Proposed Lot Addition A	Retained Lot (Lot 26, part 1)		
		Current	Minus A	Minus A plus B
Frontage on Road	approx. 150' (46 m)	1204' (367 m)	1054' (321 m)	1054' (321 m)
Frontage on Water	0	175' (53 m)	175' (53 m)	208' (63 m)
Depth	approx. 50' to 105' (15-32 m)	50' to 328' (15-100 m)	112' to 328' (39-100 m)	145' to 361' (44-110 m)
Area	approx. 0.32 acres	5.36 acres	5.04 acres	5.93 acres

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$817.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Consent Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend the Committee's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[REDACTED]

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**A GUIDE TO COMPLETING YOUR APPLICATION FORM**

1. The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
2. If there is someone acting on behalf of the listed owner(s) (e.g. a solicitor, a consultant, or a family member) then that person would be the agent, and the owner(s) must sign part (e) to indicate that the agent has the authorization to act on behalf of the owner(s).
- 1) Description of the Subject Land:
  - a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
  - b. Concession and Lot Numbers: if you are not sure, check your tax bill
  - c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
  - d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
  - e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
  - f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.
3. Please indicate the purpose of this consent application from among the choices provided.
4. Please complete all sections that pertain to your application.  
If your application is for a new lot please complete section (a).  
If your application is for a lot addition or a right-of-way, please complete section (b).
5. If you know the person who will be purchasing the new lot or lot addition, please indicate. Otherwise, indicate "self".
6. This question is asking about such things as a 20 ft. wide Bell or Ontario Hydro easement, a registered right-of-way to access another property, or something like someone having a life-long interest in the property.
7. Please indicate what road or lane will be used to access the new lot and the retained parcel.
8. If the new lot can be accessed by water only, we will need to know where you access it from, and what arrangements exist for permanent mainland parking, as access to mainland parking is a requirement of creating a new water access only lot.
9. In most cases, your answer will be private well, or lake, depending on where the lot is located.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

10. The majority of cases will be private septic, but there may also be some privies or other situations.
11. If you do not know how your property is zoned, leave this question blank until you have talked to the planning staff.
12. Please indicate if you have ever applied for a severance application or a plan of subdivision or a plan of condominium for the subject land since September 5, 2000.
13. Please indicate if you have applied for a zoning by-law amendment, an official plan amendment, or a minor variance, and if so, indicate the file # (or date) and the purpose of the application.
14. This question is asked because no new lot will be created unless the Committee is satisfied that any abandoned wells on the property have been properly sealed in accordance with Ministry of Environment guidelines.
15. **The Sketch is probably the most important part of your application. You do not need to pay a professional to prepare it for you, but it must be drawn to scale; it must contain all of the information outlined; and it must be drawn with north direction at the top of the sketch.**
16. The Agreement to Indemnify is your agreement that your application will be processed at your expense, and that any additional expenses will be your responsibility. If there is more than one owner, both owners must sign the application, unless one person has been appointed as agent for purposes of processing the application. The signature(s) can be witnessed at the Township Office, or you can have a commissioner.



November 30, 2018  
18-SFR-SEV (Bedford)

3889 Rideau Valley Drive  
PO Box 599, Manotick ON K4M 1A5  
T 613-692-3571 | 1-800-267-3504  
F 613-692-0831 | www.rvca.ca

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

Attention: Claire Dodds

Subject: **MACDOUGALL, Elizabeth**; Application for Consent **S-99-18-B** – 279  
Briggs Lane, Part Lot 27, Concession 10; Former Township of Bedford,  
Now the Township of South Frontenac; Roll Number:  
1029010010201000000

Dear Ms. Dodds,

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

- Section 2.1 Natural Heritage, 2.2 Water 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 Mississippi-Rideau Source Water Protection Plan;
- The Rideau Lakes – Wolfe Lake Catchment Report;
- The Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies

### The Proposal

The RVCA understands this proposal to be for a lot addition of approximately 0.36 hectares from 279 Briggs Lane to 344 Briggs Lane. This application is part of a related file (S-98-18-B). The effect of these two applications is a "land swap" between the two properties. The RVCA understands this proposal will allow proper access to 279 Briggs Lane from the right-of-way where this does not presently exist. It is the understanding of the planner reviewing the file that a conservation easement is being pursued on 279 Briggs Lane.

## The Property

The subject property has a large geographic area. During the site visit, it was not feasible to walk the entire property. What was observed was the private driveway leading to 279 Briggs Lane. This driveway was located next to an unevaluated wetland and watercourses. Elevation on the properties was quite varied, rising steeply from the proposed access to the east and generally varying.

A review of the aerial photography for the subject property indicates the presence of a watercourse. As stated above, this watercourse runs through an unevaluated wetland (which had not appeared on our aerial photography). Both 279 and 344 Briggs Lane are located adjacent Wolfe Lake.

A review of the subject property did not indicate the presence of any unstable slopes, nor floodplain mapping.

## Review Comments and Recommendations

### Provincial Policy Statement

The Provincial Policy Statement (PPS) indicates that Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity...and protecting natural heritage [and] water...for their economic, environmental and social benefits. In addition, the PPS states that reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards also contributes to the long-term prosperity of the province.

Accordingly, the following relevant sections of the PPS are cited in relation to the subject property:

*"Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) *Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) *Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) *Identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- e) *Implementing necessary restrictions on development and site alteration to:*
  1. *Protect, improve or restore...sensitive surface water features...and their hydrologic functions;*

There are no natural hazards within the meaning of Section 3.1 of the PPS that have been mapped in relation to the subject property.

Ontario Regulation 174/06

The applicants should be aware that Wolfe Lake and the existing watercourses observed during the site visit are regulated as watercourses under Ontario Regulation 174/06. As such any proposed alterations to the shoreline of Wolfe Lake, or to the watercourses, including replacement of culverts, requires the prior written permission of the RVCA in accordance with our regulation (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under Section 28 of the Conservation Authorities Act.

Rideau Lakes – Wolfe Creek Catchment Report (2014)

The subject property is adjacent Wolfe Lake. Wolfe Lake has been given a water quality rating of “fair” based on the Provincial Water Quality Objectives (PWQO). Where this type of rating is assigned, efforts such as diversion of runoff and enhanced shoreline buffers are important to continue to protect and enhance water quality. Wolfe Lake is characterized as having moderate concentration of nutrients, generally suitable fish habitat conditions and good water clarity. A proactive, cautionary program of best management practices is important to ensure the protection of the lake environment. This program should include reduction of nutrients through practices such as proper maintenance of septic systems, keeping shorelines natural and using phosphate free soaps and detergents.

Mississippi Rideau Source Water Protection Plan

Most of South Frontenac has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Unevaluated Wetlands, Natural Heritage Features & Other Features, Proposed Boundary Adjustment

Historically, the planner reviewing these types of development, where natural features are proposed to be transected, has recommended that lot boundaries not further transect them or that the boundaries maintain appropriate linkages as discussed in section 2.1.2 of the PPS. For the current application, the lot boundary already transects the unevaluated wetland and the proposed severance will not result in any change, nor would avoidance of this feature be feasible for the current geography.

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/>.

### Rideau Lakes Study

This study makes recommendations regarding minimum setbacks and vegetation retention. It is recommended that buildings and structures continue to meet a minimum setback of 30 metres from water bodies and that natural vegetation buffers be maintained.

### **Conclusions**

It is the understanding of the RVCA that the applicants plan to enter into a conservation easement for 279 Briggs Lane following the completion of this severance application. Such an easement is supported by the RVCA for the subject property as it can assist with implementing Sections 2.1, 2.2 and 3.1 of the PPS.

In conclusion, The RVCA has no objection to the subject application. The RVCA would like its comments 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 – Elizabeth MacDougall  
cc – Susan Stewart  
cc – Joanne McGurn, KFLPHA  
cc – Megan Rueckwald, South Frontenac



**STEWART-PETRYSHEN  
S-98-18-B**

**MACDOUGAL  
S-99-18-B**

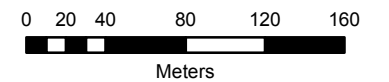
**Legend**

-  McDougal Property
-  Proposed Severance - MacDougal
-  Stewart/Petryshen Property
-  Proposed Severance- Stewart-Petryshen
-  Existing Buildings
-  Parcel Fabric

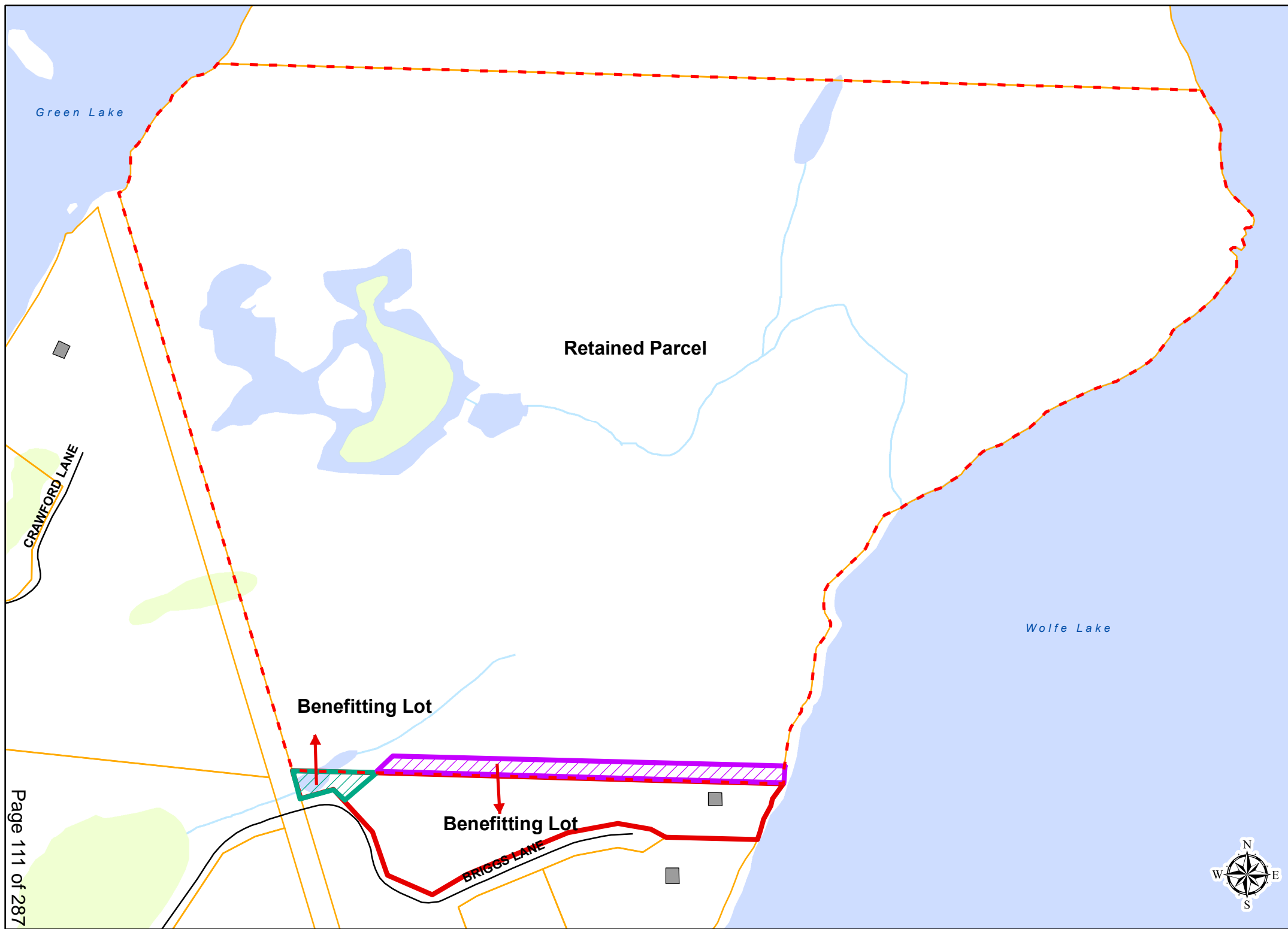
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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 1:3,800



UTM Projection NAD 83





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** December 6, 2018

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

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-99-18-B for the consent of a lot addition to Part Lot 26, Concession 10, District of Bedford, municipally known as 344 Briggs Lane.

### Proposal

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

#### S-99-18-B

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

#### Retained Lot

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

### Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	Rural (RU)
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 including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



rural service levels. The proposed lot addition is a land swap that increase the benefitting lands waterfrontage in exchange for providing legal deeded access for 279 Briggs Lane.

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 reviewed the application within the context of Section 2.1 Natural Heritage and 2.2 Water of the PPS. RVCA recognize the existing lot configuration transects the unevaluated wetland and that the proposed severance will not result in any change. Further, the proposal for a conservation easement over the benefitting lands will further support the objectives of Section 2 of the PPS.

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. Rideau Valley Conservation Authority staff are satisfied that the application as presented is consistent with Section 3.1 of the PPS.

### **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. The proposed consent application will increase the size of the befitting lands to provide legal deeded access to facilitate a conservation easement. The retained lands will remain a sufficient area to support future development.

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

The subject property and benefitting lands 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. Section 5.7.7 Limited Services Residential Policies permit waterfront residential development down private lanes in the Township. As a rule, the minimum lot sizes are to be 1 hectare (2.5 acres) with a minimum of 91 metres of frontage along the waterbody and 76 metres of frontage along the private lane. A maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. The lot addition application does not count towards the creation of a new limited services lot as there is no increase in development. The lot addition will provide legal deeded access and frontage along Briggs Lane, which meets the intent of the Official Plan.

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

The subject property is zoned Rural (RU) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zone is to permit a variety of uses that are compatible with the rural landscape including residential and agricultural uses and those ancillary. The benefitting lands are also zoned Rural in the implementing bylaw. Following the lot addition, the retained lands will have legal deeded access along Briggs Lane. The retained lands will continue to exceed the minimum requirement for waterfrontage and area and following consent application S-98-18-B will have legal deeded access to Briggs Lane.

### **Agency Analysis and Comments**

Public Works Department – Public Works was not circulated the application due to the fact the property is located along a private lane.

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

Rideau Valley Conservation Authority – Comments dated November 30, 2018, indicate that Rideau Valley Conservation Authority have no objection to the application. Planning staff reviewed the



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



application within the context of the Provincial Policy Statement, The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" Regulation 174/06), Mississippi-Rideau Source Water Protection Plan, Rideau Lakes – Wolfe Lake Catchment Report, and Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies.

A site visit was completed by planning staff to review the consent application.

## Conclusion

It is recommended that the Committee receive comments from the public and subject to comments received **approve** application S-99-18-B subject to the following proposed conditions.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-98-18-B shall be for a lot addition with an area of approximately 0.9 acres and approximately 10 metres of frontage along Wolfe Lake to be conveyed only to 344 Briggs Lane (Roll no. 102901001010708).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 26, Concession 10 (PIN 362390482), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

### Survey/Reference Plan or Registerable Description

4. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

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

### **Attachments**

Map of the lands to be conveyed from the MacDougall property.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Nov. 9 / 18

File No: S-99-18-B

1. Name of Owner(s): ELIZABETH MAC DOUGALL

Full Mailing Address of Owner(s): [REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford       Portland       Loughborough       Storrington

Concession Number: 10      Lot Number: 27

Street Number: 279      Name of Road/Street: BRIGGS LANE

Reference Plan Number: \_\_\_\_\_      Part Number(s): \_\_\_\_\_

Roll Number: 10 29 010 010 20100 0000

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 2100' (640 m) Frontage (on road/lane): 0

Depth: IRREGULAR {SEE SKETCH 1 and TABLE 1} Area: 48 acres

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

TRANSFER FOR LOT ADDITION

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:

Retained Lot:

Frontage On Road \_\_\_\_\_

Frontage On Road \_\_\_\_\_

Frontage On Water \_\_\_\_\_

Frontage On Water \_\_\_\_\_

Depth \_\_\_\_\_

Depth \_\_\_\_\_

Area \_\_\_\_\_

Area \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

New Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

(b) The frontage, depth and the area. **(Complete for a lot addition or right-of-way (R.O.W.) only)**

Proposed Lot Addition (or right-of-way)

SEE SKETCH 2

Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)

AFTER BOTH LOT ADDITIONS

Frontage On Road: 0

Frontage On Road: 150' (46 m)

Frontage On Water: 33' (10 m)

Frontage On Water: 2067' (630 m)

Depth: ~1105' (336 m)

Depth: IRREGULAR {SEE SKETCHES 1+2}

Area: ~ 0.89 acres

Area: 47.43 acres

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: VACANT

ADDITION TO COTTAGE LOT 26

Retained: VACANT

VACANT } CONSERVATION EASEMENT TO BE DONATED TO RVCA

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): NONE

NONE

Retained Lot: NONE

NONE

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

SUSAN L. STEWART and KENNETH M. PETRYSHEN

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (**if known**):

\_\_\_\_\_

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): BRIGGS LANE (VIA LOT 26)

The retained lot: BRIGGS LANE (AFTER BOTH LOT ADDITIONS)

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot** is **by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: n/a

Retained Lot: n/a

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: n/a Retained Lot: n/a

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: n/a Retained Lot: n/a

12. The current zoning of the subject land in the applicable Zoning By-law.

RURAL

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (*if applicable*):

\_\_\_\_\_

14. **If known**, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:

\_\_\_\_\_

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you aware of?  Yes  No

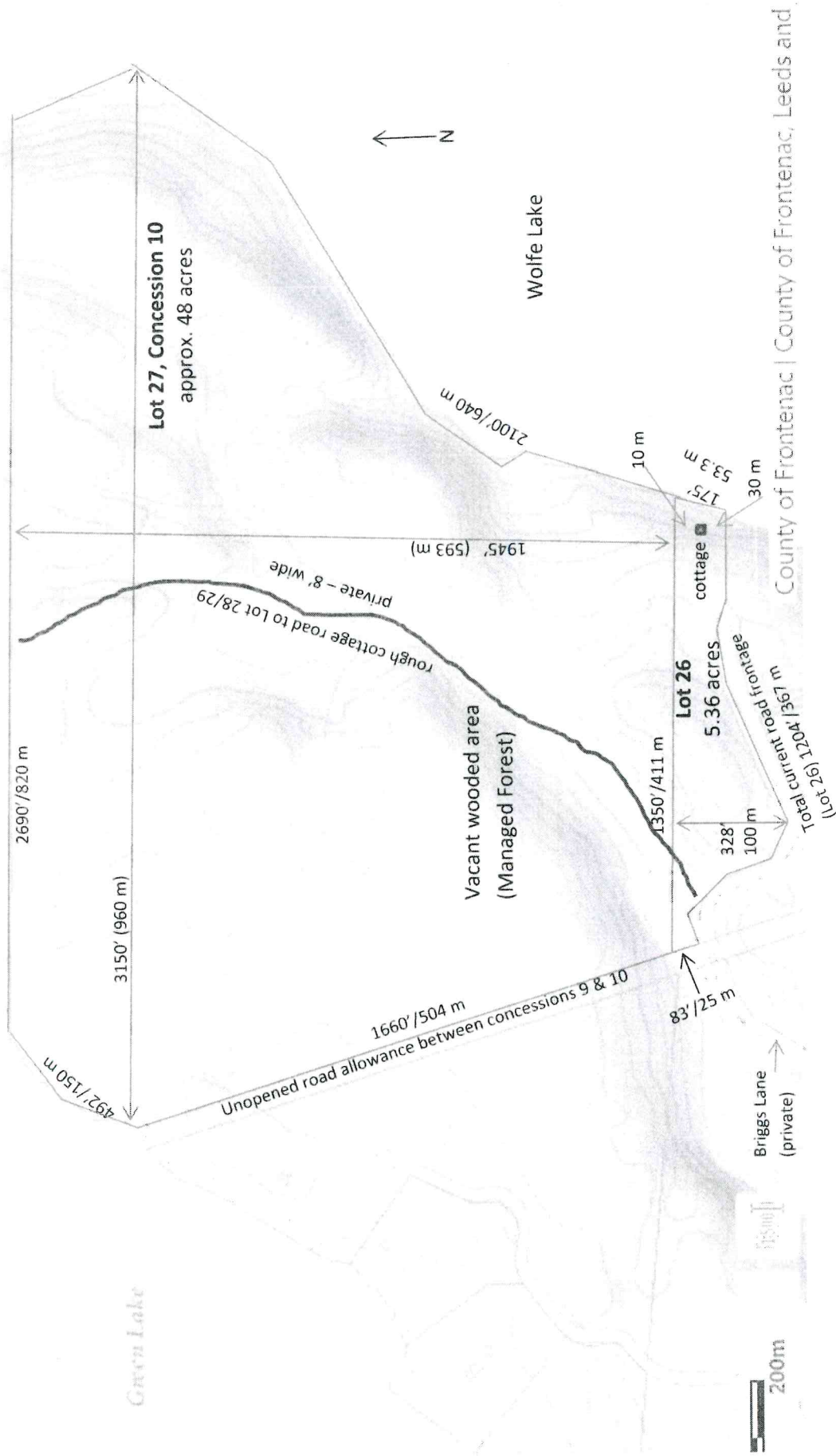
16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**





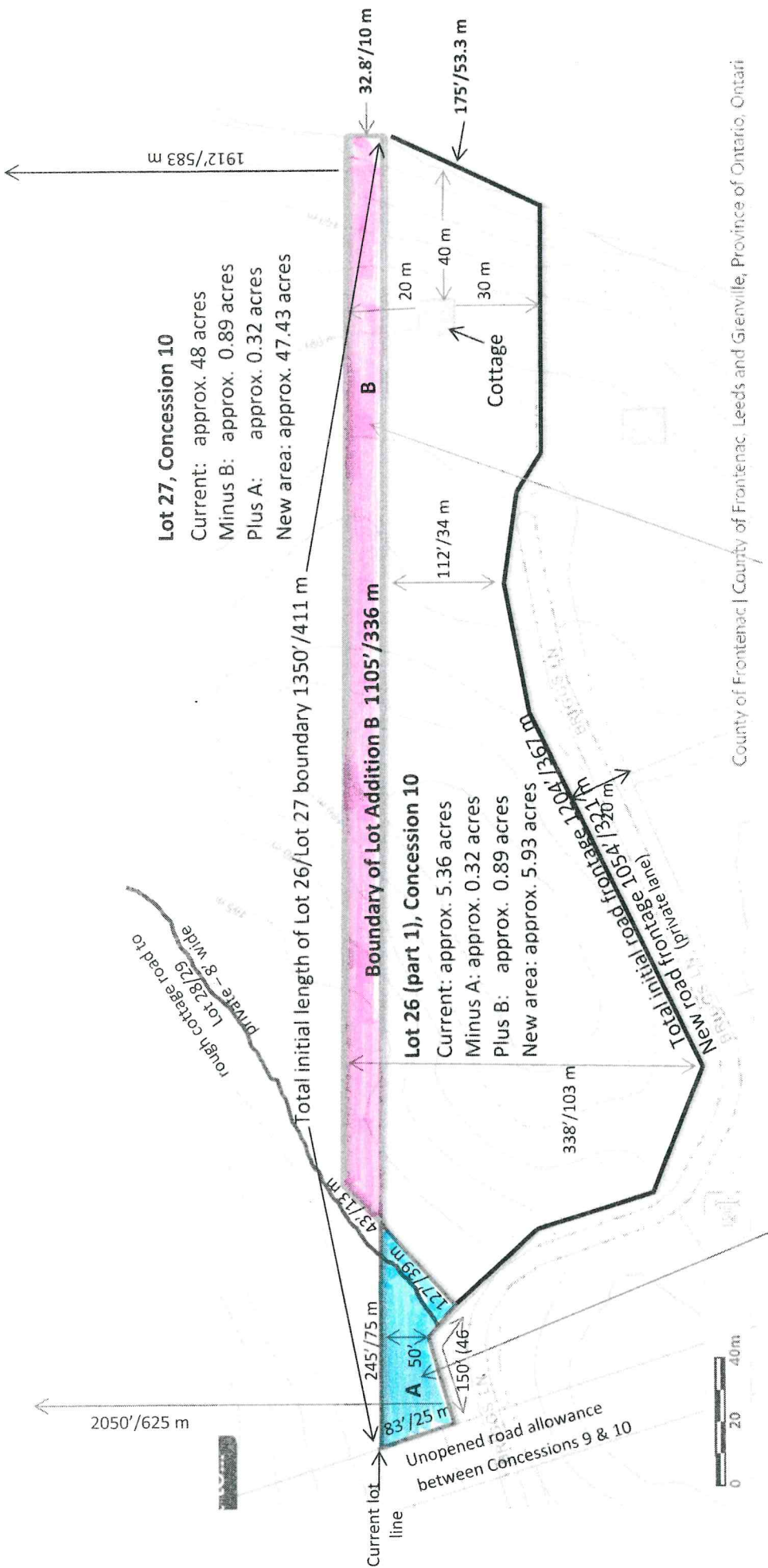
Sketch 1: Current Dimensions of Lot 26 (Part 1) and Lot 27

Table 1: Transfer of Lot Addition from MacDougall to Stewart-Petryshen

	Proposed Lot Addition B	Retained Lot (Lot 27)		
		Current	Minus B	Minus B plus A
Frontage on Road	0	0		approx. 150' (46 m)
Frontage on Water	33' (10 m)	approx. 2100' (640 m)	approx. 2067' (630 m)	approx. 2067' (630 m)
Depth	approx. 1105' (336 m)	approx. 3150' (960 m)	approx. 3150' (960 m)	approx. 3150' (960 m)
Area	approx. 0.89 acres	approx. 48 acres	approx. 47.11 acres	approx. 47.43 acres

Table 2: Transfer of Lot Addition from Stewart-Petryshen to MacDougall

	Proposed Lot Addition A	Retained Lot (Lot 26, part 1)		
		Current	Minus A	Minus A plus B
Frontage on Road	approx. 150' (46 m)	1204' (367 m)	1054' (321 m)	1054' (321 m)
Frontage on Water	0	175' (53 m)	175' (53 m)	208' (63 m)
Depth	approx. 50' to 105' (15-32 m)	50' to 328' (15-100 m)	112' to 328' (39-100 m)	145' to 361' (44-110 m)
Area	approx. 0.32 acres	5.36 acres	5.04 acres	5.93 acres



**Lot 27, Concession 10**  
 Current: approx. 48 acres  
 Minus B: approx. 0.89 acres  
 Plus A: approx. 0.32 acres  
 New area: approx. 47.43 acres

**Lot 26 (part 1), Concession 10**  
 Current: approx. 5.36 acres  
 Minus A: approx. 0.32 acres  
 Plus B: approx. 0.89 acres  
 New area: approx. 5.93 acres

**Sketch 2: Approximate Dimensions, Showing Lot Additions**

(additional measurements in appended tables)

Lot Addition A: Stewart/Petryshen to MacDougall      Lot Addition B: MacDougall to Stewart/Petryshen



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** December 11, 2018

**Application No:** MV-19-18-S

**Owner:** Seamone

**Location of Property:** Part Lot 16, Concession 8, District of Storrington, Township of South Frontenac, municipally known as 96 Hewett Lane

**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 23.3 metres to permit the construction of a new dwelling

**Date of Hearing:** December 13, 2018 (Deferred November 8, 2018)

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **approve** minor variance application MV-19-18-S to permit the construction of a new dwelling on the subject property (existing dwelling exists closer to the water). Email correspondence dated December 11, 2018, indicate that the RWDRT have no objection to the application.

### Proposal

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

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

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

Minor variance is required to construct the proposed dwelling with attached deck and detached garage:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.  
Requested variance from this section:
  - a. Proposed dwelling and deck: 23.3 metres from the high water mark of Dog Lake (variance request of 6.7 metres on each side).
  
2. Section 10.3.1: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned Limited Services Residential – Waterfront.  
Requested variance from this section:
  - a. Proposed dwelling and deck: 23.3 metres from the high water mark of Dog Lake (variance request of 6.7 metres on each side).



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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 300 metres of waterfrontage along Dog Lake and is approximately 1.9 acres in area. The lot is irregularly shaped due to the configuration of the shoreline and projects as a peninsula into Dog Lake. There are rock outcroppings throughout the property, with one large outcropping running along the length of the driveway. The area by the lake contains the existing cottage and holding tank, with the remainder of the peninsula being well vegetated. A flat plateau exists at the widest point of the subject property where the septic system is proposed to go.

The surrounding area contains seasonal dwellings located along Hewett Lane and the network of lanes that front onto Dog Lake with similar levels of development and varying distances from the waterfront.

## Planning Analysis

### Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. When assessing development 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 limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

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 Rideau Waterway Development Review Team (RWDRT) comprised of the CRCA and Parks Canada reviewed the application within the context of Section 2 of the PPS. In email correspondence dated December 11, 2018, the CRCA have stated that they have no objection to the application as amended.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. The RWDRT reviews the application within the context of flooding and erosion natural hazards. RWDRT have no objection to the application as presented and confirmed this through email correspondence.

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 5.7.7 ("Limited Service Residential Policies") include residential development as a permitted use. Lots are to be developed with private water and sanitary sewage disposal. The proposed new construction will be setback at a greater distance from Dog Lake than the current structure, the view of which will be concealed by the mature,



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



vegetated buffer. A greater setback will be achieved than the 12.2 metre setback of the existing structure, better improving the width of the vegetated buffer and protecting the water quality.  
Current Zoning: Limited Service Waterfront Residential

The property is zoned Limited Service Waterfront Residential (RLSW) in the Township of South Frontenac Zoning Bylaw. The intent of the LSW zone is to permit waterfront development with uses restricted to residential and ancillary uses which are accessible on a private lane. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures. With the subject application, redevelopment of the site is proposed to increase the usability of the lot. As part of the redevelopment, a larger structure is proposed. Planning staff are satisfied that the redevelopment of the site, and greater setback distances achieved from the highwater mark of Dog Lake, maintain the intent of the Township Zoning Bylaw.

## Agency Analysis and Comments

KFL&A Public Health – Comments dated October 31, 2018, indicate that KFL&A Public Health have no objection to the application. The applicants are installing a new sewage system to accommodate the new dwelling, as per permit ST-52-18. The position of KFL&A Public Health has not changed after the coordinated site visit.

Rideau Waterway Development Review Team – Comments dated October 31, 2018 indicate that the RWDRT have identified a possible building envelope that would result in less disturbance and blasting. RWDRT recommended that the application be deferred to investigate and consider the new location; the application was deferred at the November meeting to allow for a coordinated site visit. Once on the site, it was determined that the flat plateau was the ideal location of the septic system and that instead the setback to the structure may only slightly be increased due to the shape of the lot. The applicants amended their application as discussed on the site visit. The CRCA provided email correspondence stating that they have no objection to the amended application; this correspondence was sent December 11, 2018.

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 new dwelling at Part Lot 16, Concession 8, District of Storrington, meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan because the proposed redevelopment of a rural waterfront property is permitted within the designation and further increases the setback from the existing development, while not impacting the character of the lot.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the placement of the new dwelling seeks to maximize the waterbody setback while recognizing the constraints of the property, namely the peninsula shape and rock outcroppings. The new construction will enhance the waterbody setback, better the water quality objectives of the vegetative buffer.
- The variance is desirable for the appropriate development of the lands in question as the dwelling will increase the usability of the lands while also increasing the vegetated buffer; the proposed construction will further take into consideration the topography of the lot through the proposed walk-out basement design.
- The variance is minor because the proposal seeks to maximize the waterbody setback with the new configuration and achieves a greater setback with the amended application.

## 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\*\*



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

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



### **Attachments**

Map of the Seamone property.



**SEAMONE  
MV-19-18-S**

**Legend**

-  Seamone Property
-  Seamone Proposed Structures

**Proposed New Structure  
Home / Deck**

**Existing Cottage to be removed**

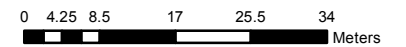
HEWETT LANE

Dog Lake

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 1:850



UTM Projection NAD 83



MAIN FLOOR



UPPER FLOOR

ROOM DIMENSIONS:  
 Great Room: 25'-1" x 18'-1"  
 Kitchen: 13'-6" x 12'-6"  
 Dining Room: 13'-6" x 12'-7"  
 Master Bedroom: 13'-6" x 12'-11"

ADDITIONAL DIMENSIONS:  
 Main Floor: 1665 sq. ft.  
 Upper Floor: 925 sq. ft.  
 Optional Deck: 918 sq. ft.  
 Covered Porch: 380 sq. ft.

MODEL NAME: **COPPER CREEK II**  
 SIZE: 2590 SQ. FT.  
 DIMENSIONS: 55'-6" w x 45'-0" d

GETAWAY COLLECTION

Search...

Getting Around

Identify

Measure

Drawing

Coordinates

Printing & Exporting



Distance



Area



Line



Freehand Line



Freehand Shape



Ellipse



Circle



Polygon



Rectangle



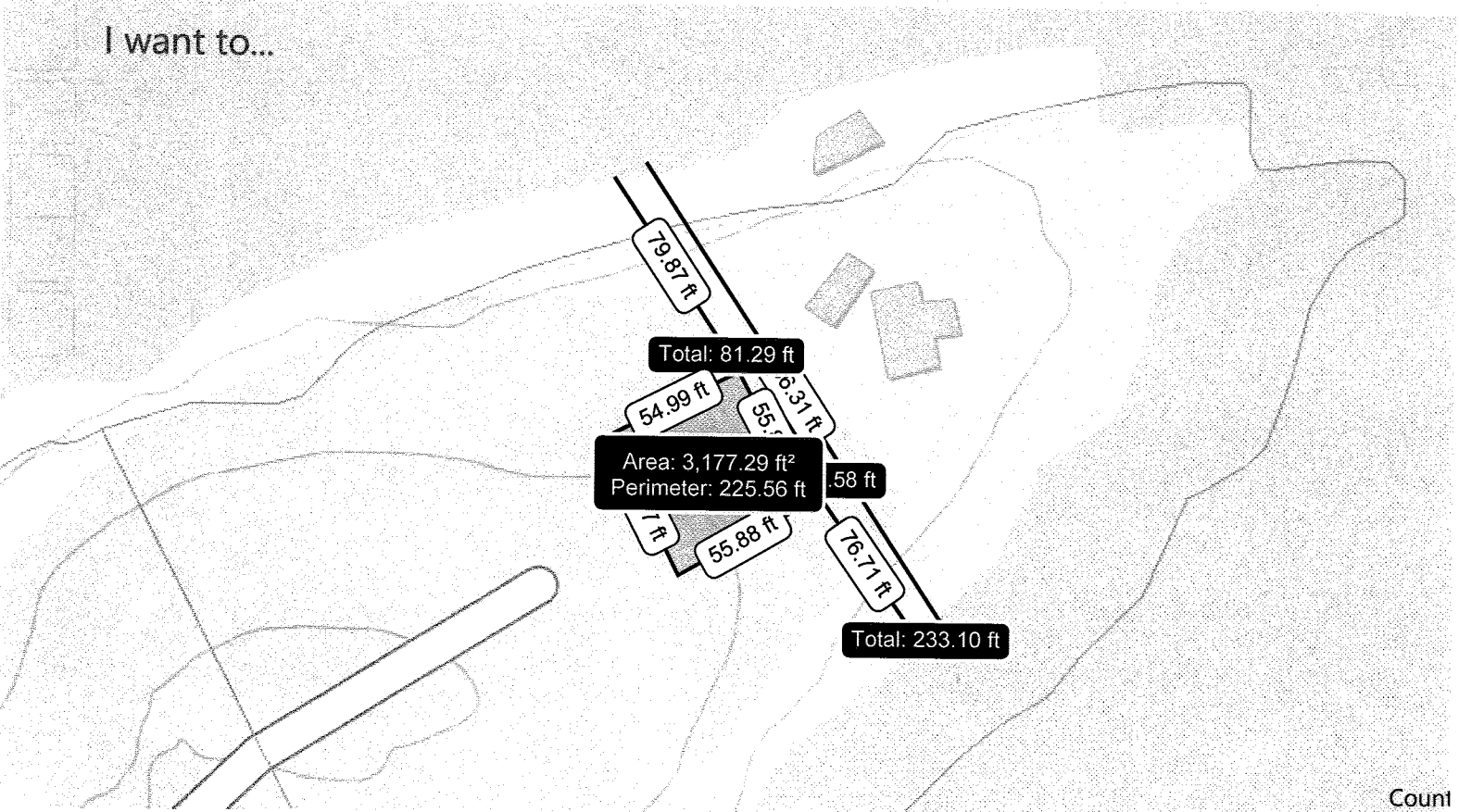
Edit

Measure

Advanced Measure

Edit

I want to...



Count

### Copper Creek II

Footprint in brochure 55'w x 45' d

Footprint in Drawing reduced 10% 50'w x 40'd

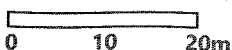
Deck on an angle 10'd

**Final footprint 50'w x 50'd**

Footprint moved back 5' as discussed at the meeting.



World To...



Vest: Visible Features: 1 features visible on Parcels.



FRONTENAC

FIND YOURSELF #INFRONTENAC

Search...

Getting Around

Identify

Measure

Drawing

Coordinates

Printing & Exporting



Print



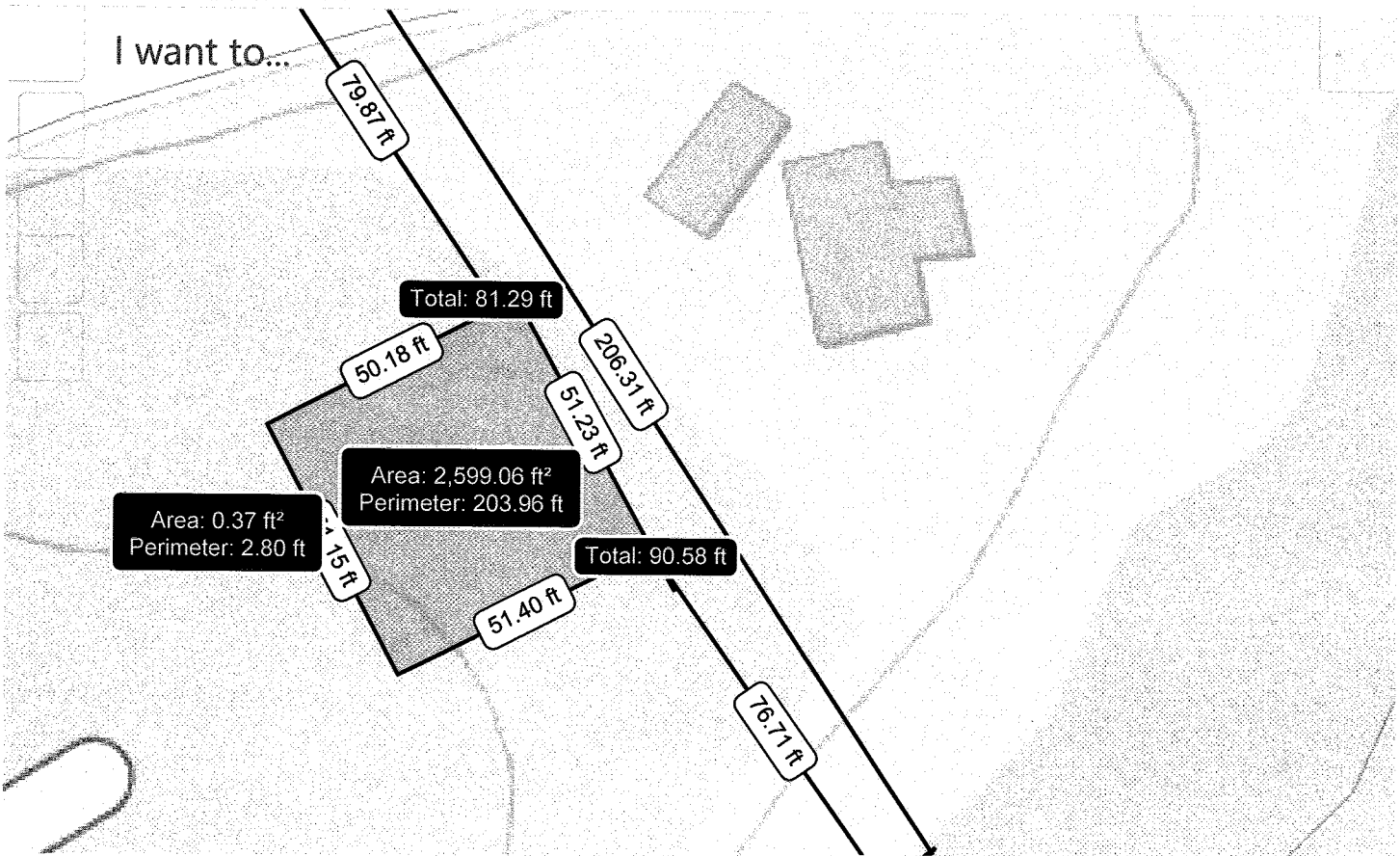
Export



Share

Tasks

I want to...



### Copper Creek II

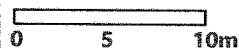
Footprint in brochure 55'w x 45' d

Footprint in Drawing reduced 10% 50'w x 40'd

Deck on an angle 10'd

**Final footprint 50'w x 50'd**

Footprint moved back 5' as discussed at the meeting.





**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>	Claire Dodds Director of Development Services Township of South Frontenac Box 100, Sydenham, Ontario K0H 2T0
<b>Application Number:</b>	MV-19-18-5
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Seamone, Karen and Lorne
<b>Location:</b>	96 Hewett Lane Concession 8, Part Lot 16 (Dog Lake)
<b>Planning Department or Agency:</b>	Township of South Frontenac (Storrington)
<b>Comments:</b>	KFL&A Public Health has no objection to the proposed minor variance. The applicants are installing a new sewage system to accommodate the new dwelling, as per permit ST-52-18.
<b>Inspector:</b>	 Matthew Doyle, CPHI(C), Public Health Inspector
<b>Date:</b>	October 31, 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.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: November 21/2018

File No: MV-19-18-5.

1. Name of Owner(s): KAREN AND LORNE SEAMONE

Full Mailing Address of Owner(s): [REDACTED]

[REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is NOT the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: N/A

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

\_\_\_\_\_  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 8 Lot Number: 16

Street Number: 96 Name of Road/Street: HEWETT LANE

Reference Plan Number: 3637 B Part Number(s): 16

Roll Number: 060060034000000

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 1,090' Frontage (on road/lane): END OF LANE  
Depth: 384' Area: 1.9 ACRES

5. The current zoning of the subject land:

RESIDENTIAL

6. The nature and extent of the relief from the Zoning By-law:

100 FEET FROM THE WATER REDUCED TO 70'

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

BUILD A YEAR ROUND HOME AND TEAR DOWN  
THE OLD COTTAGE

8. Does the subject property front on a municipally maintained road?  Yes  No  
OR a privately maintained road?  Yes  No

Name of Road/Lane:

HEWETT LANE

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

RESIDENTIAL

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land.  
(I.e. residence, garage, shed, etc.)

Yes  No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

12. If the answer to item 11 is yes, for EACH building or structure indicate:

Type of Structure (E.g. residence)	(1) <i>COTTAGE</i>	(2) <i>OUT BUILDING</i>	(3) <i>SHED</i>	(4) <i>DECK</i>
Setback from Front Lot Line	<i>130'</i>	<i>145'</i>	<i>165'</i>	<i>125'</i>
Setback from Rear Lot Line	<i>210'</i>	<i>205'</i>	<i>200'</i>	<i>220'</i>
Setback from Side Lot Line	<i>70'</i> <i>40'</i>	<i>105'</i> <i>30'</i>	<i>120'</i> <i>30'</i>	<i>110'</i> <i>20'</i>
Height of Building (Also indicate if it is one story or two story)	<i>20'</i> <i>1 STORY</i>	<i>17'</i>	<i>9'</i>	
Dimensions of Floor Area		<i>12 x 28</i>	<i>8' x 8'</i>	<i>12' x 21'</i>
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

*BUILD A YEAR ROUND HOME*

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	HOUSE	DECK ON FRONT OF HOUSE		
Setback from Front Lot Line	185'	175'		
Setback from Rear Lot Line	140	180		
* Setback from Side Lot Line (water)	76'	76'		
Height of Building (Also indicate if it is one story or two story)	2 STORY WITH WALK OUT			
Outside Dimensions of Building/Structure	50' x 40	50' x 10'		
Setback from High Water Mark (If applicable)				

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?  Yes  No

If yes, please provide details:

OLD COTTAGE AND HOLDING TANK

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

---

18. What are the uses of the proposed development?

- |     |  |   |  |
|-----|--|---|--|
| (a) | Increase in number of bedrooms   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| (b) | Increase in plumbing fixtures  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| (c) | Increase in living space   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

19. The date the subject land was acquired by the current owner:

---

20. The date the existing buildings and structures were constructed on the subject lands:

COTTAGE 1955, OUTBUILDING 1958, SHED 2014

21. The length of time that the existing uses of the subject land have continued:

54 YEARS RESIDENTIAL

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

LAKE

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

HOLDING TANK

24. Is storm drainage provided by sewers, ditches, swales or by other means?

No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.



**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**A Guide to Completing the Minor Variance Form**

- 1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
- 2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.
- 3) Description of the Subject Land:
  - a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
  - b. Concession and Lot Numbers: if you are not sure, check your tax bill
  - c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
  - d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
  - e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
  - f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.
- 4) Frontage, depth, area, acres: All parts of this question must be completed.
- 5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.
- 6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.
- 7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.
- 8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

- 9) Parking and Docking: This question is only relevant is you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is “yes”.
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be “vacant recreational land”, and the use described in section 13 would be “residential”
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is “yes” – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can’t actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.
- 24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?
- 26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** December 6, 2018  
**Application No:** MV-23-18-L  
**Owner:** Wolford  
**Location of Property:** Part Lot 1, Concession 14, District of Loughborough, Township of South Frontenac, municipally known as 1076 Marshall Lane  
**Purpose of Application:** To vary sections 10.3 Limited Service Waterfront Residential and 5.8 Flooding and Shoreline Erosion Hazards of the Comprehensive Zoning Bylaw to permit a reduction in the waterbody setback of Thirteen Island Lake from 30 metres to 15 metres to recognize an existing sleep cabin.  
**Date of Hearing:** December 6, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that minor variance application MV-23-18-L, which would recognize the setback to an existing sleep cabin located 15 metres from the highwater mark of Thirteen Island Lake, **be approved.**

### Proposal

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

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

Minor variance is required to recognize the construction of the sleep cabin:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.  
 Requested variance from this section:
  - a. Sleep cabin: 15 metres from the high water mark of Thirteen Island Lake (variance request of 15 metres).
  
2. Section 10.3.1: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned Limited Services Residential – Waterfront.  
 Requested variance from this section:
  - a. Sleep cabin: 15 metres from the high water mark of Thirteen Island Lake (variance request of 15 metres).

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 63 metres of frontage along Thirteen Island Lake and Marshall Lane with an area of approximately 0.46 acres. The existing setback to the cottage is approximately 4.5 metres. The lot has an average depth of 35 metres, which restricts the ability to meet the required setback from the highwater mark. The subject property is located on a point that projects into the lake; the lake is visible from Marshall Lane on both sides.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



The surrounding area contains a mixture of developed and undeveloped waterfront lots along Thirteen Island Lot. The development of the subject property fits within the character of the surrounding area.

## Planning Analysis

### Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. When assessing development 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 limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

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. Quinte Conservation reviewed the application in light of Section 2.1 Natural Heritage policies and are satisfied that the application as presented is consistent with the natural heritage policies of the PPS. Quinte staff advised that any future work on the subject property requires a permit from their offices.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Quinte Conservation staff are satisfied that there is sufficient area for development outside of the flood hazard and as such are satisfied the application is consistent with Section 3.1 of the PPS.

### 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 recognize the construction of a sleep cabin that was constructed without permits. Although the construction is within the 30 metre setback, the sleep cabin achieves a greater setback from the waterfront than an expansion to the existing cottage that is setback approximately 4 metres from the highwater mark.

### Current Zoning: Limited Services Residential - Waterfront (RLSW)

The property is zoned Limited Services Residential – Waterfront in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW zone is to permit development with uses restricted to residential and ancillary along the waterfront while recognizing that access is by private lane. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures; this is stated in the zone regulations as well as the general provisions. The owners have constructed a sleep cabin that is approximately 15 metres from the highwater mark of Thirteen Island Lake. The sleep cabin is within the maximum footprint of 300 square feet permitted in the bylaw. Due to the limited depth of the lot, construction on the property will require planning approvals.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



A site visit was conducted on December 3, 2018, to observe site characteristics and determine desirability of the proposed construction.

## Agency Analysis and Comments

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

KFL&A Public Health – Comments dated November 21, 2018, indicate that Public Health has no objection to the minor variance, though the applicants will need to work with Public Health to ensure adequate capacity as part of the building permit process.

Quinte Conservation – Comments dated November 28, 2018, indicate that Quinte Conservation has no objection to the minor variance. Quinte Conservation reviewed the application for natural hazard and natural heritage features of the PPS, as well as Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) and Quinte Region Source Protection Plan.

## Conclusion

The proposed application to recognize the construction of a sleep cabin 15 metres from the high water mark of Thirteen Island Lake 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 places the sleep cabin at a location that maintains vegetation on the lot while seeking to maximize the location on the constrained lot.
- 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 additional living space within the sleep cabin, avoids the need for an expansion to the cottage that is located approximately 4 metres from the cottage.
- The variance is desirable for the appropriate development of the lands in question as the sleep cabin is placed on an elevated, flat portion of the lot that avoids the need to remove any additional vegetation.
- The variance is minor as the depth of the lot requires the reduction of the waterbody setback to permit development; the location of the sleep cabin permits area for vegetation along the waterfront while preventing the need to expand the cottage in close proximity to the waterfront.

## Recommended Conditions

1. This minor variance is for the construction of a sleep cabin with an area of 192 feet with a deck along the front, as constructed on the subject property.
2. Minor variance MV-23-18-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

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

## Attachments



Map of Wolford property.



**WOLFORD  
MV-23-18-L**

**1076 MARSHALL LANE**

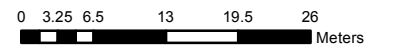
### Legend

-  Proposed Structure
-  Wolford Property

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 1:680



UTM Projection NAD 83

Thirteen Island Lake

MARSHALL LANE

## QUINTE CONSERVATION - PLANNING ACT REVIEW

**QC File No. PL0268-2018**

<b>Municipality:</b>	Township of South Frontenac		
<b>Owner:</b>	Andrew Wolford, Corey Wolford, Polly Wolford, Matthew Wolford & Nicole Brooks		
<b>Location:</b>	1076 Marshall Lane	Part Lot 1, Concession 14	Loughborough
<b>Roll #:</b>	1029-040-050-06500-00000		
<b>Application Description:</b>	<b>Minor Variance</b> File No. MV-23-18-L	Reduce setback from the high water mark to 15 metres, and reduce setback from the road to 8 metres to allow for an already constructed sleeping cabin.	
<b>Feature:</b>	Thirteen Island Lake		
<b>Comments:</b>	<p><b><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></b></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands.</p> <p><u>Staff are satisfied that the application as presented is consistent with section 3.1 of the PSS as there is sufficient area for development outside the flood hazard.</u></p> <p><b><u>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses</u></b></p> <p>The sleeping cabin was constructed within a regulated area from the 1:100 year flood plain of Thirteen Island Lake. A permit was not issued by Quinte Conservation for the construction of the sleeping cabin however; the structure meets our development setback from the flood plain. As a result, Quinte Conservation does not have concerns with the location of the existing sleeping cabin.</p> <p>The landowners should be advised that <u>any future development (including construction/site grading/filling/excavation) on the property will require a permit from Quinte Conservation.</u></p> <p><b><u>Quinte Region Source Protection Plan</u></b></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> to the subject property as it lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system.</p> <p><u>As such no Section 59 Clearance Notice is required.</u></p> <p><b><u>Planning Act - Natural Heritage policies of the Provincial Policy Statement</u></b></p> <p>Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects features including; Provincially significant wetlands, significant woodlands and significant areas of natural and</p>		

	<p>scientific interest.</p> <p><u>Staff are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement.</u></p>
<p><b>Final Comments:</b></p>	<p>Quinte Conservation has no objection to the application as presented.</p>



\_\_\_\_\_  
 Sam Carney  
 Planning and Regulations Technician

November 28, 2018

Date

<b>To:</b>	Claire Dodds South Frontenac Committee of Adjustment Box 100, Sydenham ON K0H 2T0
<b>Application Number:</b>	MV-23-18-L
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Wolford, Andrew
<b>Location:</b>	1076 Marshall Lane
<b>Planning Department or Agency:</b>	Township of South Frontenac (Ward/former township)
<b>Comments:</b>	KFL&A Public Health has no objections to the minor variance, however prior to construction of the new building a permit to install a new/additional holding tank must be obtained as part of the building permit application process.
<b>Inspector:</b>	 Sarah van Dijk, CPHI(C), Public Health Inspector
<b>Date:</b>	November 21, 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.



**TOWNSHIP OF SOUTH FRONTENAC  
APPLICATION FOR MINOR VARIANCE OR PERMISSION**

The Committee of Adjustment is a Committee of eight persons appointed by Township Council. The Committee is formed under Section 45 of the Planning Act R.S.O. 1990, Chapter P.13, to authorize a minor variance from a zoning by-law.

**The Committee may vary Zoning By-law provisions provided the Committee is of the opinion that the variance:**

- Is desirable for the appropriate development or use of the land, building or structure
- Maintains the general intent and purpose of the Official Plan.
- Maintains the general intent and purpose of the Zoning By-law.
- Is minor in nature

**Application Requirements**

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE of \$747.00** (\$662.00 application fee plus \$85.00 Building Department consultation fee) in cash, debit or by cheque made payable to the Township of South Frontenac.
2. It is required that a Fee be provided for the Health Unit and Conservation Authority (where applicable) when submitting an application (Separate cheques, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application).  
Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit	
<i>Minor Variance Only</i>	\$450
<i>Minor Variance WITH Performance Review</i>	\$700
Cataraqui Region Conservation Authority	\$305
Quinte Conservation Authority ( <i>will invoice directly</i> )	\$325
Rideau Valley Conservation Authority	
<i>Standard (additions &amp; other minor works)</i>	\$360
<i>Major and/or new construction</i>	\$500

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**3. PLEASE READ THIS ITEM CAREFULLY**

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in Question 29 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Minor Variance Application by the Committee of Adjustment. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A guide to answering the application questions is attached.

**4. Collection of Personal Information**

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 376-3027 ext.2221).

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Oct. 13, 18 (Revised Nov. 6)

File No: MV-23-18-L

1. Name of Owner(s): Andrew Wolford, Corey Wolford, Polly Wolford, Matthew Wolford +

Full Mailing Address of Owner(s): [Redacted] Nicole Brooks

Phone number of Owner(s): [Redacted]

Email Address of Owner(s): [Redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 14 Lot Number: 1

Street Number: 1076 Name of Road/Street: Marshall Lane

Reference Plan Number: 13R14164 Part Number(s): 1, 2 + 3

Roll Number: 040-050-06500-000 Class NON79

Lake: Thirteen Island Lake

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 63m Frontage (on road/lane): 63m

Depth: 35m Area: 0.46 ac = 1861 m<sup>2</sup>

5. The current zoning of the subject land:

residential

6. The nature and extent of the relief from the Zoning By-law:

relief from setback distance to permit a sleeping cabin at a depth of 15m from the high water mark

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

not adequate relief from water and or road

8. Does the subject property front on a municipally maintained road?  Yes  No  
OR a privately maintained road?  Yes  No

Name of Road/Lane:

Marshall Lane

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

\_\_\_\_\_

\_\_\_\_\_

10. What are the existing uses of the subject land?

residential

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (i.e. residence, garage, shed, etc.)

Yes  No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

12. If the answer to item 11 is yes, for **EACH** building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	<del>Setback</del> ~ 4.5 m			
Setback from Rear Lot Line	~ 22 m			
Setback from Side Lot Line	~ 11 m			
Height of Building (Also indicate if it is one story or two story)	17 feet			
Dimensions of Floor Area	26 feet by 20 feet	with 8 foot by 17 foot porch	and 5 foot by 7 foot bathroom	
Setback from High Water Mark (If applicable)	~ 4.5 m			

13. The proposed uses of the subject land:

residential

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	~15m			
Setback from Rear Lot Line	~8m			
Setback from Side Lot Line	~5m			
Height of Building (Also indicate if it is one story or two story)	13 feet			
Outside Dimensions of Building/Structure	12 feet by 16 feet			
Setback from High Water Mark (If applicable)	~15m			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?  Yes  No

If yes, please provide details:

---

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

18. What are the uses of the proposed development?

- |     |  |                              |  |                                   |
|-----|--|------------------------------|--|-----------------------------------|
| (a) | Increase in number of bedrooms   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Variance permits a sleeping cabin |
| (b) | Increase in plumbing fixtures  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |                                   |
| (c) | Increase in living space   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |                                   |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |                                   |

19. The date the subject land was acquired by the current owner:

May 28, 2002 been in the family since 1968

20. The date the existing buildings and structures were constructed on the subject lands:

Cottage (1962) Sleeping Cabin constructed without a building permit in 2015  
~~pump house (1962)~~ ~~shed (1962)~~

21. The length of time that the existing uses of the subject land have continued:

residential for ~~60~~ 55 years

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

private well

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

private pumped septic

24. Is storm drainage provided by sewers, ditches, swales or by other means?

no

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$747.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

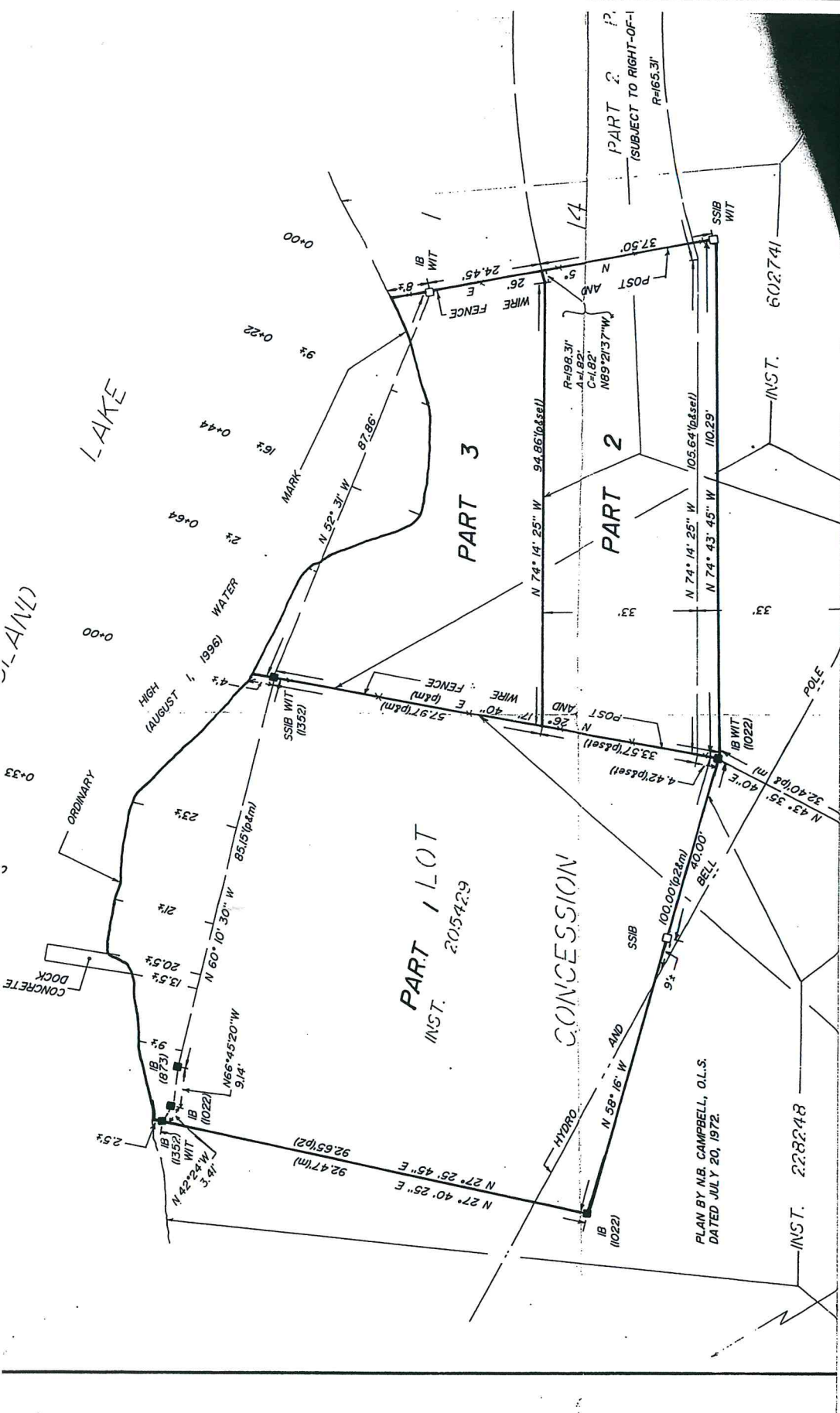
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

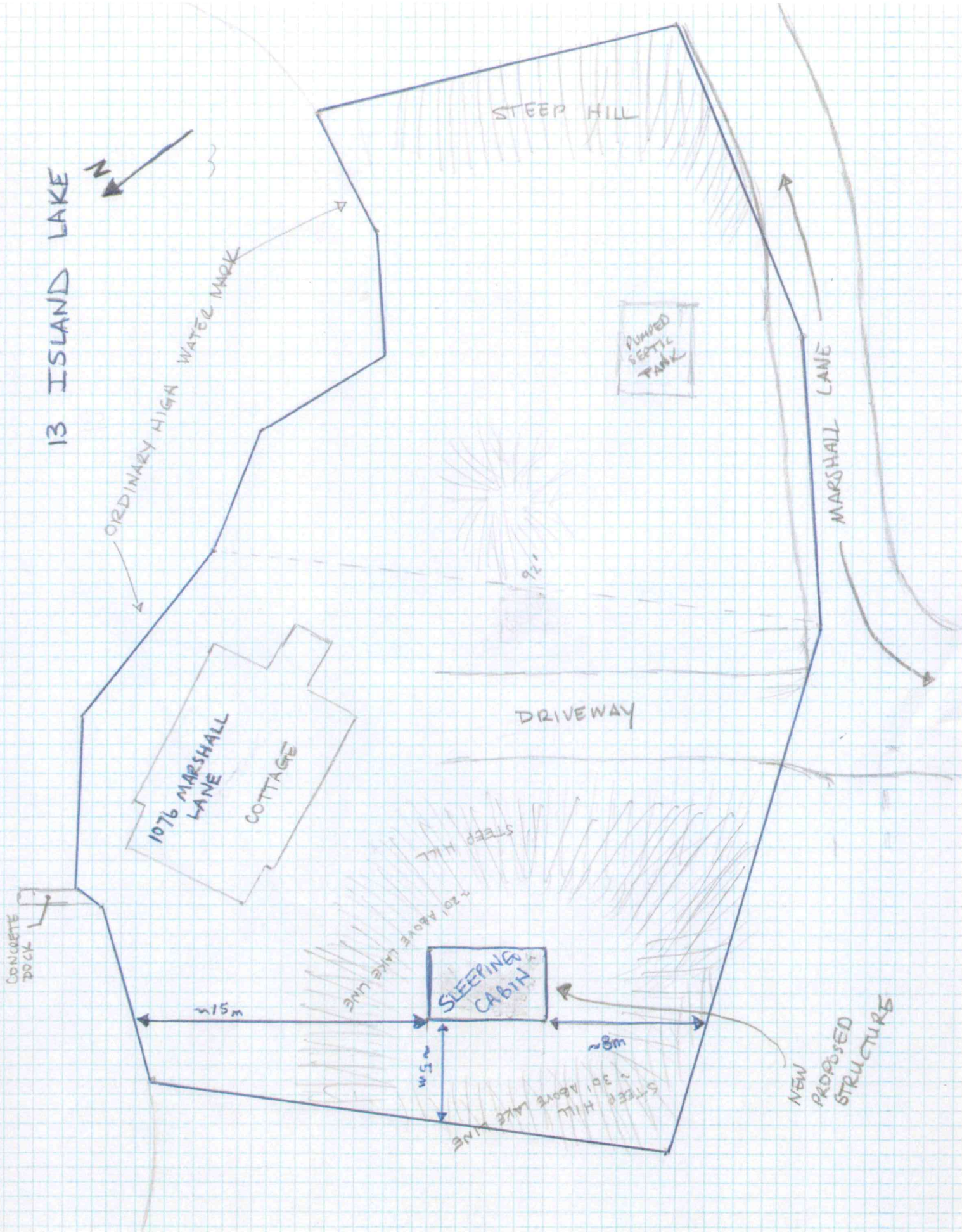
The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[REDACTED]

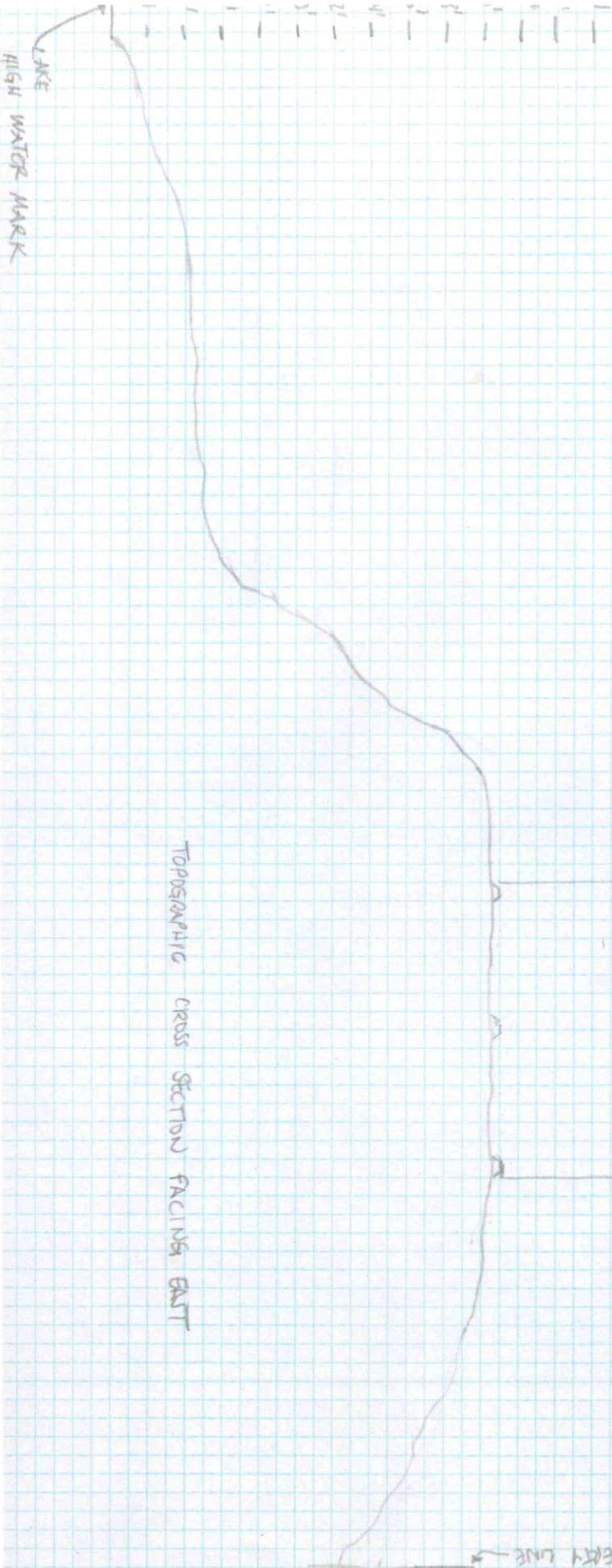
[REDACTED]







APPROXIMATE  
EIGHT ABOVE  
WATER MARK



TOPOGRAPHIC CROSS SECTION FACILITY EAST

1076 MARSHALL LANE  
12x16' SLEEPING CABIN

PROPERTY LINE



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** December 7, 2018

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

---

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and pending the receipt of comments that the Committee of Adjustment **approve** minor variance application MV-24-18-B subject to conditions.

### Proposal

An application for minor variance has been submitted to permit the construction of a detached garage at Part Lot 31/32, Concession 6/7, District of Bedford, municipally known as 224 Mica Point Lane (see attached map). The property has frontage on Bob's Lake and is accessed by Mica Point Lane, a private lane. The property is undersized compared to current provisions for waterfront lots with an area of approximately 0.41 hectares (1 acre) with 55 metres of road frontage and 75 metres of frontage along Bob's Lake. RVCA note that the subject property does not include the presence of unstable slopes of unevaluated wetlands, though the slope of the lands is quite significant going down towards Mud Bay.

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

Minor variance is required to construct the detached garage as the footprint of the structure will exceed the footprint of the principal use (dwelling):

1. Section 5.24.1.: The total lot coverage of accessory buildings and structures including detached private garages shall not exceed five (5) percent of the lot area. In no case shall the lot coverage of all accessory buildings and structures on a lot (excluding pools and tennis courts) exceed the lot coverage of the existing principal building.

Requested variance from this section:

- a. Proposed detached garage: Exceeds the lot coverage of the principal structure, but within the 5% maximum lot coverage permitted.

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 75 metres of waterfrontage along Mud Bay and is approximately 1 acres in area. The lot is irregularly shaped due to the configuration of the shoreline. There is a significant slope on the property towards Mud Bay, but a flat plateau exists along Mica Point Lane where the structure is proposed. The dwelling is located on a smaller plateau located



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



just outside of the 30 metre setback. The slope to the waterfront is well vegetated with little clearing for access.

The surrounding area contains dwellings located along Mud Bay with similar levels of development and varying distances from the waterfront.

## Planning Analysis

### Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. When assessing development 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 limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

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 reviewed the application within the context of Section 2.1 Natural Heritage and Section 2.2 Water of the PPS and have no objection to the application with this regard.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. RVCA identified that the property significantly slopes down to the waterfront and recommends an appropriate setback from the top of bank. However, RVA notes that no natural hazards within the meaning of Section 3.1 of the PPS have been mapped in relation to the subject property. Planning staff are recommending that the location of the garage not be solidified through the application, but instead that the Committee permits the footprint of the garage to exceed that of the principal use.

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.& (“Limited Services Residential Policies”) include residential development as a permitted use on private lands. Lots are to be developed with private water and sanitary sewage disposal. It is not anticipated that the construction of the garage will impact the character along the waterfront due to the setback proposed and the natural state of the shoreline; the vegetation along the shoreline will buffer the view of the garage from being visible along the waterfront.

Current Zoning: Limited Service Waterfront Residential

The property is zoned Limited Service Waterfront Residential (RLSW) in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW zone is to permit waterfront development with uses restricted to residential and ancillary uses which are accessible on a private lane. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures. Section 5.24 permits a maximum of 5% lot coverage; the structure proposed will maintain the maximum lot coverage but will exceed the footprint of the principal use. From a planning perspective, planning staff support the additional space being incorporated in an accessory structure that is setback at a greater distance from the waterfront than an expansion to the dwelling just outside of the 30 metre setback.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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. RVCA staff reviewed the application with regard to Section 3 Natural Hazards of the Provincial Policy Statement and concluded that there are no natural hazards within the meaning of Section 3.1 of the PPS that have been mapped in relation to the subject property. Planning staff are recommending that the minor variance not restrict the placement of the structure, but instead permit the floor area so that the applicant has flexibility in siting the structure in a safe manner.

A site visit was conducted by planning, to observe site characteristics and determine desirability of the proposed construction with relation to the constraints on the property and footprint of the principal use.

## Agency Analysis and Comments

KFL&A Public Health – KFL&A Public Health advised the Director of Development Services that they did not need to provide comments due to the setback from the septic system.

Rideau Valley Conservation Authority – In comments dated November 27, 2018, RVCA staff have no objection to the approval of application MV-24-18-B based on their consideration for natural hazard, natural heritage and water quality and quantity protection policies. RVCA staff recommend that a suitable setback be achieved from the top of bank from the slope to the waterfront.

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 detached garage at Part Lot 31/32, Concession 6/7 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 waterfront property that permits accessory structures; the setback from the waterbody exceeds the 30 metre minimum requirement.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the placement of the detached garage maximizes the waterbody setback; permission to expand the footprint of the structure beyond that of the principal use prevents the expansion of the dwelling within closer proximity to the waterfront. RVCA noted that there were no natural hazards identified within the context of Section 3.1 of the PPS.
- The variance is desirable for the appropriate development of the lands in question as the detached garage will permit an accessory structure for the dwelling on the developed rural waterfront property. The placement of the structure will be along the flat plateau on the waterfront on an area primarily cleared. The footprint of the structure will not impact the depth of the 30 metre vegetated buffer along Mud Bay.
- The variance is minor as permitting the footprint of the detached garage to exceed the footprint of the dwelling, will increase the setback of the structure from the highwater mark, than an expansion to the dwelling. Further, the accessory structure is within the 5% lot coverage maximum permitted.

## 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 detached garage that is setback outside of the required waterbody setback with a maximum floor area of 185.5 square metres with a footprint of 50' by 40'.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

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



### **Attachments**

Map of the Briley property.



**BRILEY  
MV-24-18-B**

**Legend**

-  Proposed Garage
-  Briley Property

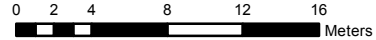
Bobs Lake

MICA POINT LANE

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 1:400



UTM Projection NAD 83



November 27, 2018  
18-SFR-SEV (Bedford)

3889 Rideau Valley Drive  
PO Box 599, Manotick ON K4M 1A5  
T 613-692-3571 | 1-800-267-3504  
F 613-692-0831 | www.rvca.ca

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

Attention: Claire Dodds

Subject: **BRILEY, Randall & Anne Marie**; Application **M-24-18-B** – 224 Mica Point Lane,  
Part Lot 31/32, Concession 6/7; Former Township of Bedford, Now the Township  
of South Frontenac; Roll Number: 1029030020811000000

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Dear Ms. Dodds,

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

- Section 2.1 Natural Heritage, 2.2 Water 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 Mississippi-Rideau Source Protection Plan;
- The Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies.

### The Proposal

The RVCA understands this proposal to be an application for a minor variance to seek relief from Section 5.24 of the Township of South Frontenac's Zoning By-law to permit an accessory structure with a footprint larger than the primary residence. The RVCA understands that the size of the accessory structure would be 185.8 m<sup>2</sup> and setback approximately 55 metres from the normal highwater mark of Bob's Lake.

### The Property

The subject property is indicated as being approximately 0.41 hectares in area with a road frontage of 55 metres and a water frontage of 75 metres. It has an average depth of 60 metres. Although the site was covered in snow during the visit, it was possible to see a vegetated slope

leading down to the water. It is located adjacent Bob's Lake, which has a regulated flood level of 163.07 metres above sea level (geodetic).

A review of the subject property did not indicate the presence of any unstable slopes or unevaluated wetlands. It should also be noted that the slope is quite significant going down to Mud Bay.

### **Review Comments and Recommendations**

#### Provincial Policy Statement

The Provincial Policy Statement (PPS) indicates that Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity... and protecting natural heritage [and] water... for their economic, environmental and social benefits. In addition, the PPS states that reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards also contributes to the long-term prosperity of the province.

Accordingly, the following relevant sections of the PPS are cited in relation to the subject property:

*The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. (Section 2.1.2)*

*Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) *Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) *Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) *Identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- d) *Maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;*
- e) *Implementing necessary restrictions on development and site alteration to:*
  1. *Protect all municipal drinking water supplies and designated vulnerable areas; and*
  2. *Protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*
- g) *Ensuring consideration of environmental lake capacity, where applicable; and*
- h) *Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. (Section 2.2.1)*

There are no natural hazards within the meaning of Section 3.1 of the PPS that have been mapped in relation to the subject property.

Ontario Regulation 174/06

The applicants should be aware that Bob's Lake, Mud Bay is regulated as a watercourse under Ontario Regulation 174/06. As such, should any modifications to the shoreline of Bob's Lake, Mud Bay be proposed, prior written permission is required in accordance with our regulation (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

Bobs Lake Catchment Report – Mud Bay

The water quality report for Mud Bay indicates a "poor" result due to instances of nutrient exceedances and low oxygen levels at the deep point. Elevated nutrient levels promote algae blooms and the growth of aquatic plants, which may deteriorate the aesthetic quality, limit oxygen availability and lead to the decay of aquatic vegetation. Reduced oxygen in the water column may also negatively impact resident fish populations. The report mentions steps that can be undertaken to assist with maintaining and improving water quality, including proper maintenance of septic systems, establishing natural shoreline buffers, maintaining appropriate building setbacks and the use of phosphate free soaps and detergents.

Source Water Protection

The subject property is also identified as overlying a highly vulnerable aquifer. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

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. Based on the site visit, the 30 metre setback and natural vegetative buffer are both established and maintained through this application. This is supported by the Rideau Lakes Study and the RVCA.

**Recommendations**

During the site visit it was noted that the property slopes significantly down to the water. Appropriate setbacks from the top of any slopes are recommended for newly constructed buildings.

Should the Township allow the variance, the RVCA would have the following recommendations for conditions of any implementing agreement:

- 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 Bob's Lake at a proper disposal site.
- A planting plan showing the current on-site vegetation shall be prepared and submitted as part of any implementing agreement. This will be to the satisfaction of the Township. This should take the form of a drawing showing the current vegetation with a commitment to its maintenance.
- The following statement should be included in the site plan control agreement.

*"Should any work be undertaken along the shoreline of Bob's Lake, Mud Bay 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")."*

*"Any future development or redevelopment shall have regard for the identified 1:100 year flood elevation of 163.07 metres above sea level (geodetic)."*

#### **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 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 – R. Briley  
cc – Joanne McGurn, KFLPHA  
cc – M. Rueckwald, South Frontenac

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Oct 30/18

File No: MV-24-18-B

1. Name of Owner(s): Randall + Anne Marie Briley

Full Mailing Address of Owner(s): [REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford       Portland       Loughborough       Storrington

Concession Number: 6 + 7      Lot Number: 31 + 32

Street Number: 224      Name of Road/Street: MICA POINT CN

Reference Plan Number: RD 181      Part Number(s): 3 + 4

Roll Number: 10 29 030 020 81100 0000

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 247.2 F Frontage (on road/lane): 180 F  
Depth: 201 F Area: 1.03 A.

5. The current zoning of the subject land:

RLS

6. The nature and extent of the relief from the Zoning By-law:

To construct an accessory building with footprint exceeding footprint of primary residence Bylaw 5.24.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

Exceeds footprint of primary residence 5.24.1 under 5% accessory buildings garage 655 ft<sup>2</sup> larger than dwelling

8. Does the subject property front on a municipally maintained road?  
OR a privately maintained road?  Yes  No

Yes

No

+ there is a 2nd accessory building - a building

Name of Road/Lane:

Mica Point Ln

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

10. What are the existing uses of the subject land?

Recreational / Residential

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes

No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

12. If the answer to item 11 is yes, for **EACH** building or structure indicate:

Type of Structure (E.g. residence)	(1) <i>Residence</i>	(2) <i>BUNKIE</i>	(3) <i>DECK</i>	(4)
Setback from Front Lot Line	<i>108 F</i>	<i>75 F</i>	<i>108 F</i>	
Setback from Rear Lot Line	<i>140 F</i>	<i>190 F</i>	<i>140 F</i>	
Setback from Side Lot Line	<i>10 F</i>	<i>5 F</i>	<i>30 F</i>	
Height of Building (Also indicate if it is one story or two story)	<i>2 Storey 12' North side 20' West + South sides</i>	<i>12 F</i>	<i>10 inch</i>	
Dimensions of Floor Area	<i>1210 ft<sup>2</sup></i>	<i>192 ft<sup>2</sup></i>	<i>135 ft<sup>2</sup></i>	
Setback from High Water Mark (If applicable)	<i>108 F</i>	<i>75 F</i>	<i>108 F.</i>	

13. The proposed uses of the subject land:

*Residential*

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	ACCESSORY BUILDING			
Setback from Rear Lot Line	180'			
Setback from Side Lot Line	53'			
Setback from High Water Mark (If applicable)	34'			
Height of Building (Also indicate if it is one story or two story)	one story. 19.6'			
Outside Dimensions of Building/Structure	50' x 40'			
Setback from High Water Mark (If applicable)	180'			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?  Yes  No

If yes, please provide details:

---

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

---

18. What are the uses of the proposed development?

- (a) Increase in number of bedrooms  Yes  No
- (b) Increase in plumbing fixtures  Yes  No
- (c) Increase in living space  Yes  No
- (d) Will the addition or structure encroach on the existing septic system?  Yes  No

19. The date the subject land was acquired by the current owner:

2013 residence, 2016 adjoining lot.

20. The date the existing buildings and structures were constructed on the subject lands:

residence 1988, bunkie 1971

21. The length of time that the existing uses of the subject land have continued:

41 yrs

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

private well.

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

individual septic

24. Is storm drainage provided by sewers, ditches, swales or by other means?

natural drainage

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

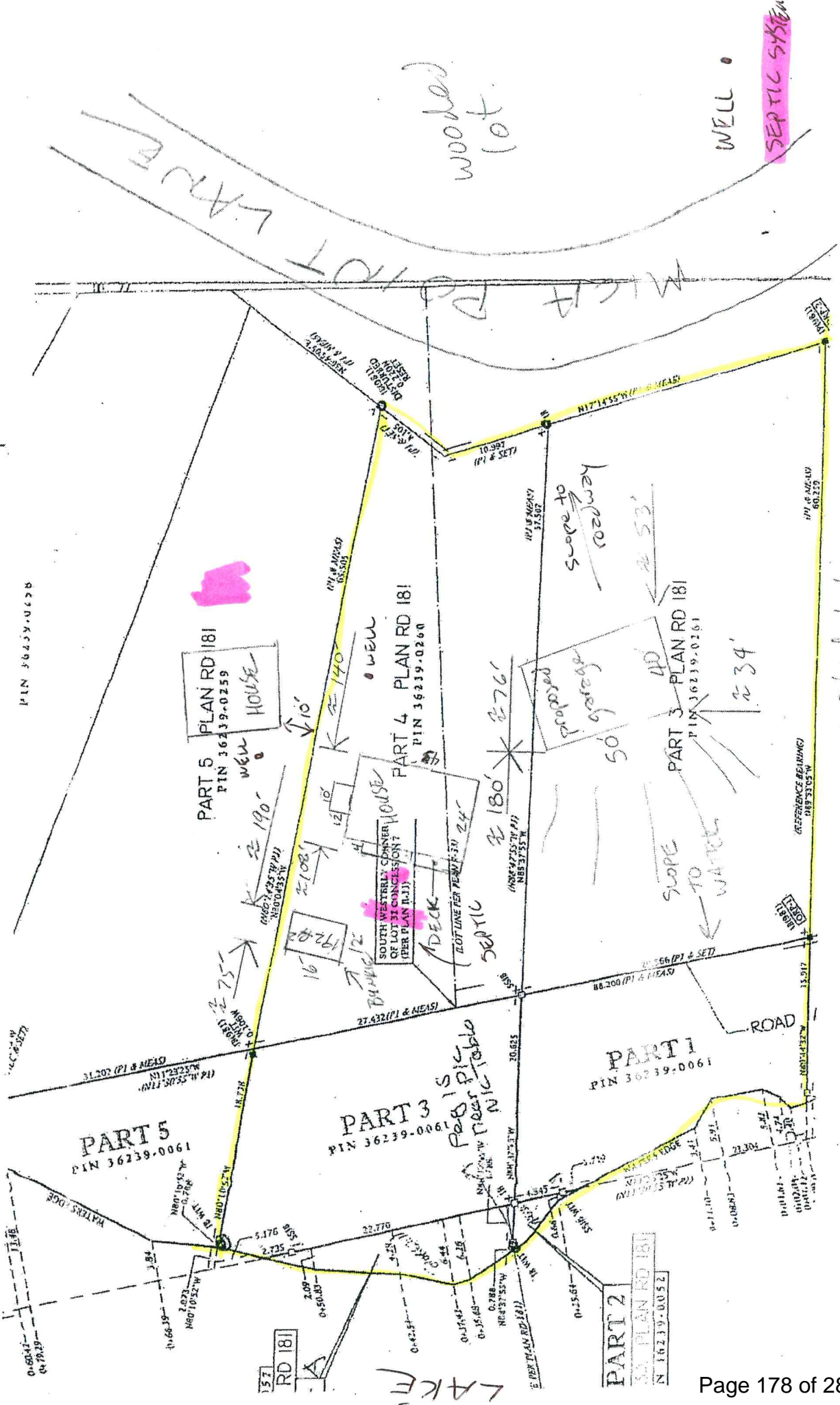
28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.



PIN 36239-0628

PART 5  
PLAN RD 181  
PIN 36239-0259  
HOUSE  
WELL

PART 4  
PLAN RD 181  
PIN 36239-0260  
WELL

SOUTH WESTERLY CORNER  
OF LOT 31 CONCESSION  
(PER PLAN R-11)  
DECK  
SEPTIC  
LOT LINE PER PLAN R-11

PART 3  
PLAN RD 181  
PIN 36239-0261  
GARAGE  
SCOPE TO WATER

PART 1  
PIN 36239-0061  
ROAD

PART 5  
PIN 36239-0061  
WATER'S EDGE

PART 3  
PIN 36239-0061  
PICNICK TABLE  
NEAR

PART 2  
50 PLAN RD 181  
PIN 36239-0052

WOODS LAKE

WOODED LOT

WELL

SEPTIC SYSTEM

WOODED LOT

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$747.00 representing payment of the application fee.

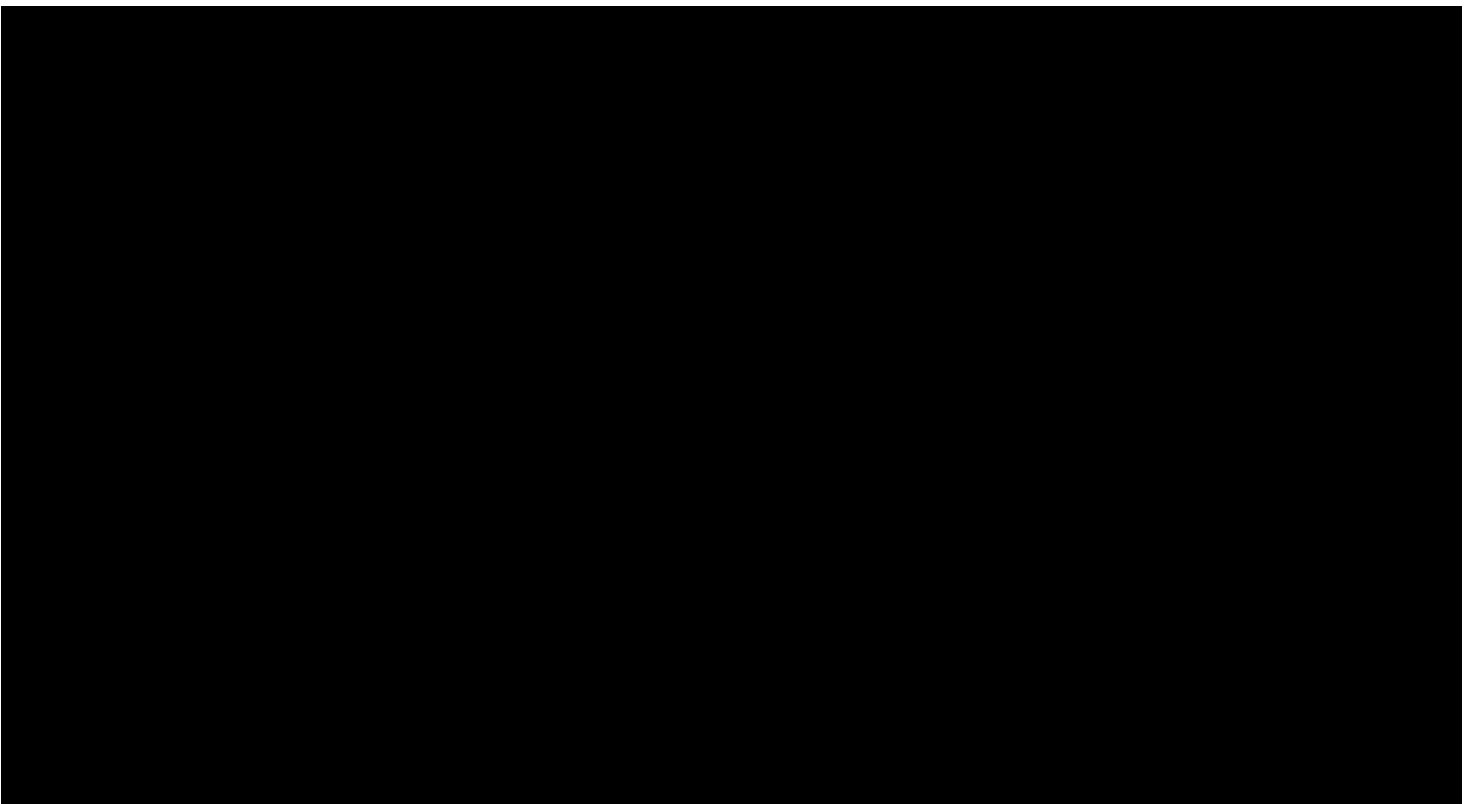
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

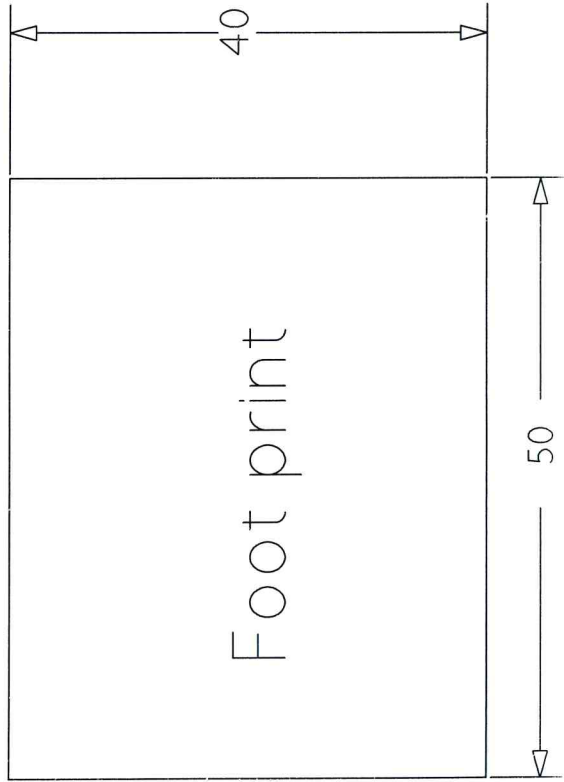
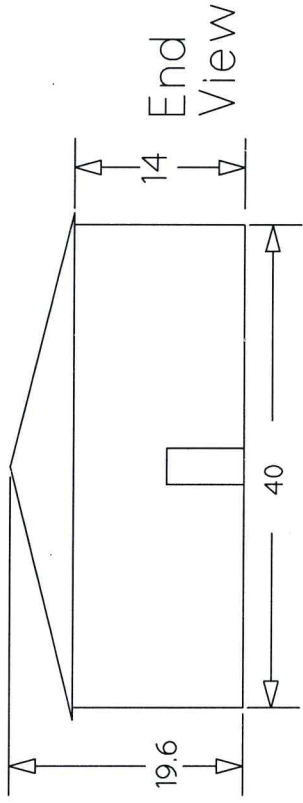
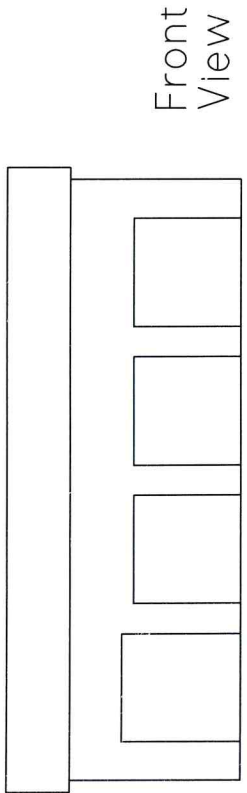


## **5.24 ACCESSORY BUILDINGS**

- 5.24.1 The total lot coverage of accessory buildings and structures including detached private garages shall not exceed five (5) percent of the lot area. A swimming pool and/or a tennis court may be permitted on the property, for which an additional 5% lot coverage is permitted. In no case shall the lot coverage of all accessory buildings and structures on a lot (excluding pools and tennis courts) exceed the lot coverage of the existing principal building.
- 5.24.2 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. Where accessory buildings are located behind the main buildings, they shall be located in accordance with the provisions of the particular zone.
- 5.24.3 No person shall use an accessory building for human habitation except where a dwelling is permitted as an accessory building.
- 5.24.4 An accessory building shall not be built closer to any lot line than the minimum distance required by this By-law except that common semi-detached garages may be erected on a mutual side lot line.
- 5.24.5 Except in accordance with Section 5.16 no accessory building shall be erected prior to the erection of a principal building or structure.
- 5.24.6 The minimum distance of an accessory building from a principal building shall be 3.0 metres (9.8 ft.) and in no case shall any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky.
- 5.24.7 A sleeping cabin as an accessory structure to a principal dwelling is permitted on all lands abutting a navigable waterway regardless of the zone classification.

## **5.25 FRONTAGE ON A STREET**

- 5.25.1 No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a street. For the purposes of this By-law a street does not include an unopened road allowance, a private lane, a right-of-way or an unassumed road on a Registered Plan which has been deemed not to be a Registered Plan under the Planning Act. The above provisions shall not apply to prohibit the erection of any building on a lot on a registered plan of subdivision where a subdivision agreement has been entered into but the streets will not be assumed until the end of the maintenance period.
- 5.25.2 Notwithstanding the provisions of Section 5.25.1 above, on existing lots situated within any zone which lots do not front on a public road, a building permit may be issued for the erection of a building or structure only if the existing lot has frontage on a private lane or navigable waterway, and if it has deeded access either directly from the private lane or by means of a parking/docking easement, that leads to a public road. Notwithstanding sections 5.30.1.1 and 5.30.1.2, at least two parking spaces shall be required for every dwelling unit. No building permit shall be issued for any lots whose only access is by



- Notes:
- Roof: 12:3 pitch
  - Roof Material: Metal
  - Building Siding: Metal
  - Entry Door: 36" steel
  - Garage Doors: 3- 9w x 9w  
1- 9W x 10H

UOM= Feet





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** December 9, 2018

**Application No:** MV-26-18-B  
**Owner:** Koenig  
**Location of Property:** Part Lot 32, Concession 6, District of Bedford, Township of South Frontenac, municipally known as 92 Nightingale Lane  
**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 24 metres to the front of the proposed dwelling and 21 metres to the deck to permit the construction of a new dwelling on a vacant lot.  
**Date of Hearing:** December 13, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **defer** minor variance application MV-26-18-B to permit KFL&A Public Health and Rideau Valley Conservation Authority time to gain more information regarding the proposal.

### Proposal

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

Minor variance is required to recognize the construction of the decking:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.  
Requested variance from this section:
  - a. Proposed deck and cottage: 21 metres (deck) and 24 metres (cottage) from the highwater mark of Bob’s Lake (variance request 9 metres and 6 metres respectively)
  
2. Section 10.3: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned Limited Service Waterfront Residential:  
Requested variance from this section:
  - a. Proposed deck and cottage: 21 metres (deck) and 24 metres (cottage) from the highwater mark of Bob’s Lake (variance request 9 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?
- Is the application minor?

### Agency Comments

Rideau Valley Conservation Authority - In comments dated December 5, 2018, RVCA request adjournment of the application to allow for a geotechnical engineer to evaluate the slope on the property towards Bob’s Lake and comments on the stability of the slope with regards to the proposed construction. The planner evaluating the proposal is on the opinion that the proposal may exceed the 3:1 slope ration requiring a setback from the top of bank. Further, the planner has requested additional information regarding the location of the septic system.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



KFL&A Public Health - In comments dated November 6, 2018, KFL&A Public Health have requested that the application be deferred to allow Public Health to acquire more information from the owners.

### **Recommendation**

Planning staff are recommending that application MV-26-18-B be deferred to allow the applicants time to work with KFL&A Public Health and RVCA to gather more information to bring back to the Committee of Adjustment.

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

### **Attachments**

Map of the Koenig property.



December 5, 2018  
18-SFR-SEV (Bedford)

3889 Rideau Valley Drive  
PO Box 599, Manotick ON K4M 1A5  
T 613-692-3571 | 1-800-267-3504  
F 613-692-0831 | www.rvca.ca

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

Attention: Claire Dodds

Subject: **KOENIG, John & Lisa**; Application **M-26-18-B** – 92 Nightingale Lane, Part Lot 32, Concession 6; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029030020744000000

Dear Ms. Dodds,

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

- Section 2.1 Natural Heritage, 2.2 Water 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 Mississippi-Rideau Source Protection Plan;
- The Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies.

### The Proposal

The RVCA understands this proposal to be an application for a minor variance to seek relief from Sections 5.8 and 10.3 of the Township of South Frontenac's Zoning By-law to permit the construction of a seasonal dwelling with attached deck on the subject property. The RVCA understands that the requested reduction in setback would see the minimum required 30 metre setback be reduced to 21 metres for the deck and 24 metres for the seasonal dwelling.

### The Property

The subject property is indicated as being approximately 0.23 hectares in area with a road frontage of 27.4 metres, a water frontage of 30 metres and a depth of 73 metres. Snow was present during the site visit, to the point that it was difficult to assess the underlying soil.

Despite the snow, it was still possible to see a clearly vegetated slope leading down to Bob's Lake. It is located adjacent Bob's Lake, which has a regulated flood level of 163.07 metres above sea level (geodetic).

A review of the subject property did not indicate the presence of any unstable slopes or unevaluated wetlands. It should also be noted that the slope is quite significant going down to Mud Bay, estimated to be approximately 30%. The portion of the property on the eastern portion of the right-of-way was observed to have a highly variable topography. Were buildings and structures to be located east of the right-of-way significant grading may be required.

## **Review Comments and Recommendations**

### Provincial Policy Statement

The Provincial Policy Statement (PPS) indicates that Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity...and protecting natural heritage [and] water...for their economic, environmental and social benefits. In addition, the PPS states that reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards also contributes to the long-term prosperity of the province.

Accordingly, the following relevant sections of the PPS are cited in relation to the subject property:

*The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. (Section 2.1.2)*

*Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) *Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) *Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) *Identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- d) *Maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;*
- e) *Implementing necessary restrictions on development and site alteration to:*
  1. *Protect all municipal drinking water supplies and designated vulnerable areas; and*
  2. *Protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*
- g) *Ensuring consideration of environmental lake capacity, where applicable; and*
- h) *Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. (Section 2.2.1)*

For this site, there may be a possibility that natural hazards are present within the meaning of Section 3.1 of the PPS. Because of the snow that was present, it was hard to determine if the underlying soil is predominantly bedrock. Based on the apparent slope (approximately 30%) and the inability to determine the underlying soil, the RVCA would recommend that an opinion is provided by a geotechnical engineer that demonstrates the proposed cottage and related services can be adequately constructed while respecting the natural features.

#### Ontario Regulation 174/06

The applicants should be aware that Bob's Lake, Mud Bay is regulated as a watercourse under Ontario Regulation 174/06. As such, should any modifications to the shoreline of Bob's Lake, Mud Bay be proposed, prior written permission is required in accordance with our regulation (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

#### Bobs Lake Catchment Report – Mud Bay

The water quality report for Mud Bay indicates a "poor" result due to instances of nutrient exceedances and low oxygen levels at the deep point. Elevated nutrient levels promote algae blooms and the growth of aquatic plants, which may deteriorate the aesthetic quality, limit oxygen availability and lead to the decay of aquatic vegetation. Reduced oxygen in the water column may also negatively impact resident fish populations. The report mentions steps that can be undertaken to assist with maintaining and improving water quality, including proper maintenance of septic systems, establishing natural shoreline buffers, maintaining appropriate building setbacks and the use of phosphate free soaps and detergents.

#### Source Water Protection

The subject property is also identified as overlying a highly vulnerable aquifer. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

#### Rideau Lakes Study

Although the soil was not able to be assessed during the planner's site visit, looking exclusively at slope, a much greater setback from the water would be recommended based on the Rideau Lakes Study. This may prove to be difficult, or even unfeasible, given the size of the lot, the right-of-way and the varied topography to the east.

#### Township Zoning By-law

In reviewing this application, the RVCA referred to the Township's Zoning By-law. As part of this review, it is noted that section 5.8.2.2 states:

*"no building or structure, or septic tank installation including the weeping tile field shall be located....within 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal."*

The planner reviewing this file would like to acknowledge that he cannot confirm that the slope is greater than 30%, however, the slope appears to be close to this grade. For this reason, the planner recommends that before a decision is made on the application, an opinion be offered from a qualified geotechnical engineer demonstrating the grade of the slope and that there is no geotechnical hazard as a result of the requested reduction.

In addition, the planner reviewing the file notes that there is no information regarding the size or location of a future septic system, including the weeping tile field although this type of service is indicated in the application. It is recommended that a detailed plan, showing the location of the building and other services be submitted before a decision is made by the committee of adjustment. Such a plan should also show any desired water access if it is determined by a geotechnical engineer that having a water access would not destabilize the slope.

### **Recommendations**

No recommendations are being offered at this time, as the RVCA is of the opinion that more information should be provided prior to the Committee of Adjustment making a decision on this application.

### **Conclusions**

In conclusion, The RVCA is of the opinion that the application should be **adjourned** until a detailed site plan showing the location of all buildings, structures and services is provided and further that an opinion be offered by a geotechnical engineer demonstrating that it is appropriate to locate the buildings, structures and services as desired based on the underlying soils and slope.

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 – John Koenig  
cc – Joanne McGurn, KFLPHA  
cc – M. Rueckwald, Frontenac County

December 6, 2018

Ms. Megan Rueckwald  
Secretary-Treasurer, Committee of Adjustment  
P.O. Box 100  
4432 George Street  
Sydenham, ON K0H 2T0

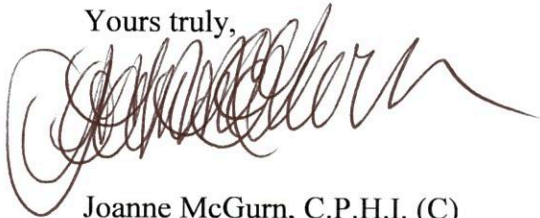
Dear Ms Rueckwald:

**Re: John & Lisa Koenig  
Minor Variance – MV-26-18B  
Lot 32, Concession 6, Bedford District  
Township of South Frontenac**

KFL&A Public Health will need to defer comments with regards to the above-noted minor variance as we require more information from the owners.

Thank you.

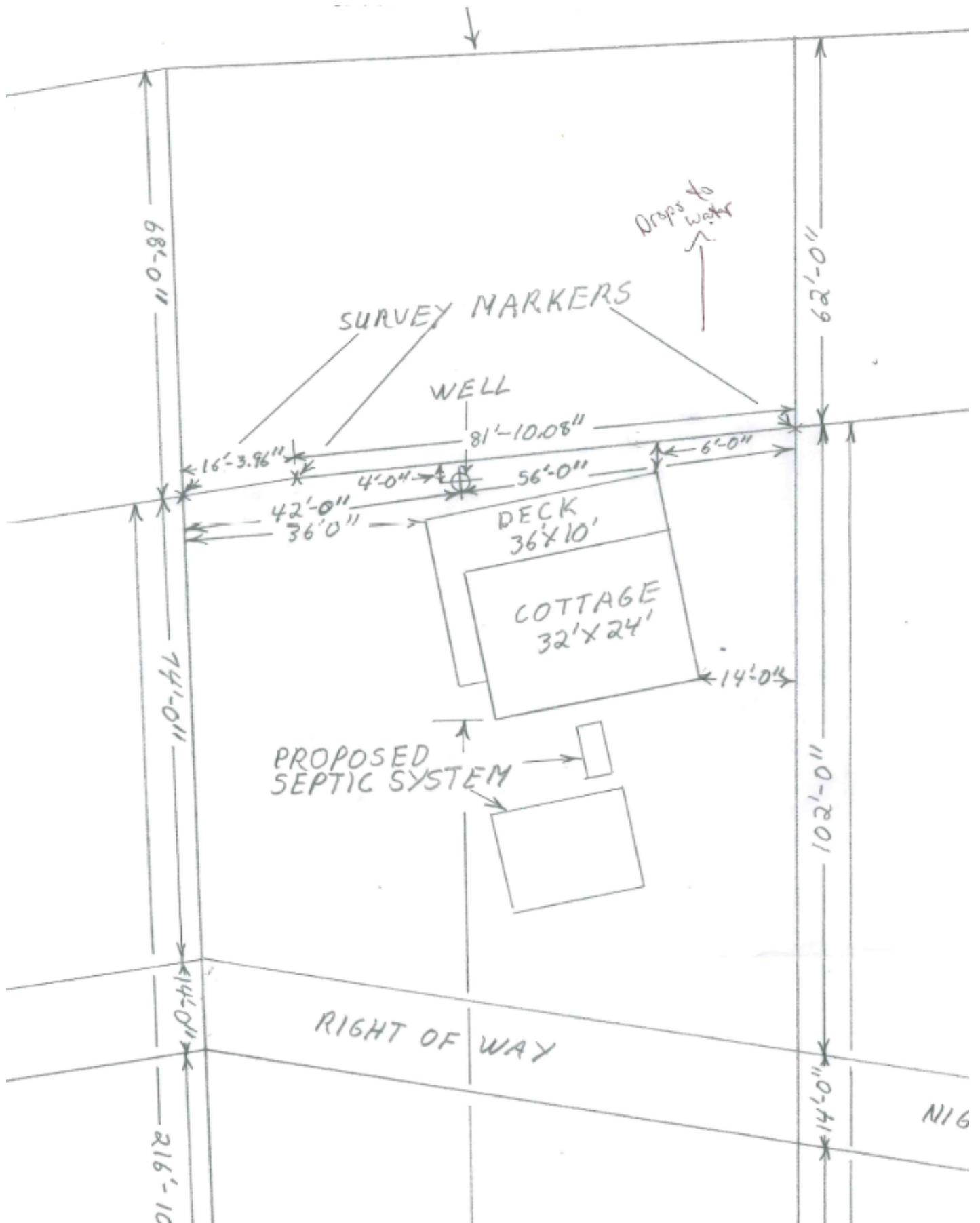
Yours truly,



Joanne McGurn, C.P.H.I. (C)  
Public Health Inspector

JMcG:ca

cc John & Lisa Koenig











**KOENIG  
MV-26-18-B**

**NIGHTINGALE LANE**

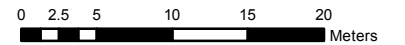
### Legend

-  Proposed Well
-  Proposed Septic Tank
-  Proposed Septic Bed
-  Proposed Structure
-  Proposed Deck
-  Koenig Property

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 1:500



UTM Projection NAD 83

Bobs Lake

NIGHTINGALE LANE

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: 02.27.18

File No: MV-26-18-B

1. Name of Owner(s): John & Lisa Koernig

Full Mailing Address of Owner(s): [REDACTED]

\*Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 6 Lot Number: 32

Street Number: 92 Name of Road/Street: Nightingale Lane

Reference Plan Number: 13B186 Part Number(s): 3

Roll Number: 030-020-74400-0000

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 99.17 ft Frontage (on road/lane): 90 ft

Depth: 240 ft Area: .57 acre

5. The current zoning of the subject land:

Residential Waterfront

6. The nature and extent of the relief from the Zoning By-law:

To request a 20m setback from the water-line

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

A 30m setback would place half the cottage over a incline with insufficient area for a septic system due to right<sup>of</sup> way. A 20m setback would place cottage on a level area with room for septic system

8. Does the subject property front on a municipally maintained road?  Yes  No  
OR a privately maintained road?  Yes  No

Name of Road/Lane:

Nightingale

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

Vacant Recreational Land

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (i.e. residence, garage, shed, etc.)

Yes  No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

12. If the answer to item 11 is yes, for **EACH building or structure** indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)				
Dimensions of Floor Area				
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

Family Cottage

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	3-season cottage	<u>Deck</u>		
Setback from Front Lot Line	78'	68'		
Setback from Rear Lot Line	<del>274</del> 180'	204'		
Setback from Side Lot Line	14'	36'		
Height of Building (Also indicate if it is one story or two story)	19ft - 1 story ground to root ridge	<del>96ft 10</del>		
Outside Dimensions of Building/Structure	32ft x <sup>24</sup> <del>36</del> ft <del>rectangular</del> <del>deck</del>	36x10		
Setback from High Water Mark (If applicable)	<del>20m</del> 78' <del>65 deck</del> <del>23m to</del> cottage	68'		

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?  Yes  No

If yes, please provide details:

---

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

---

18. What are the uses of the proposed development?

- (a) Increase in number of bedrooms  Yes  No
- (b) Increase in plumbing fixtures  Yes  No
- (c) Increase in living space  Yes  No
- (d) Will the addition or structure encroach on the existing septic system?  Yes  No

19. The date the subject land was acquired by the current owner:

October 5, 2018

20. The date the existing buildings and structures were constructed on the subject lands:

N/A

21. The length of time that the existing uses of the subject land have continued:

N/A Vacant Land

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Drilled well to be installed

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

A septic system will be installed as per KFLGA Public Health

24. Is storm drainage provided by sewers, ditches, swales or by other means?

N/A

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

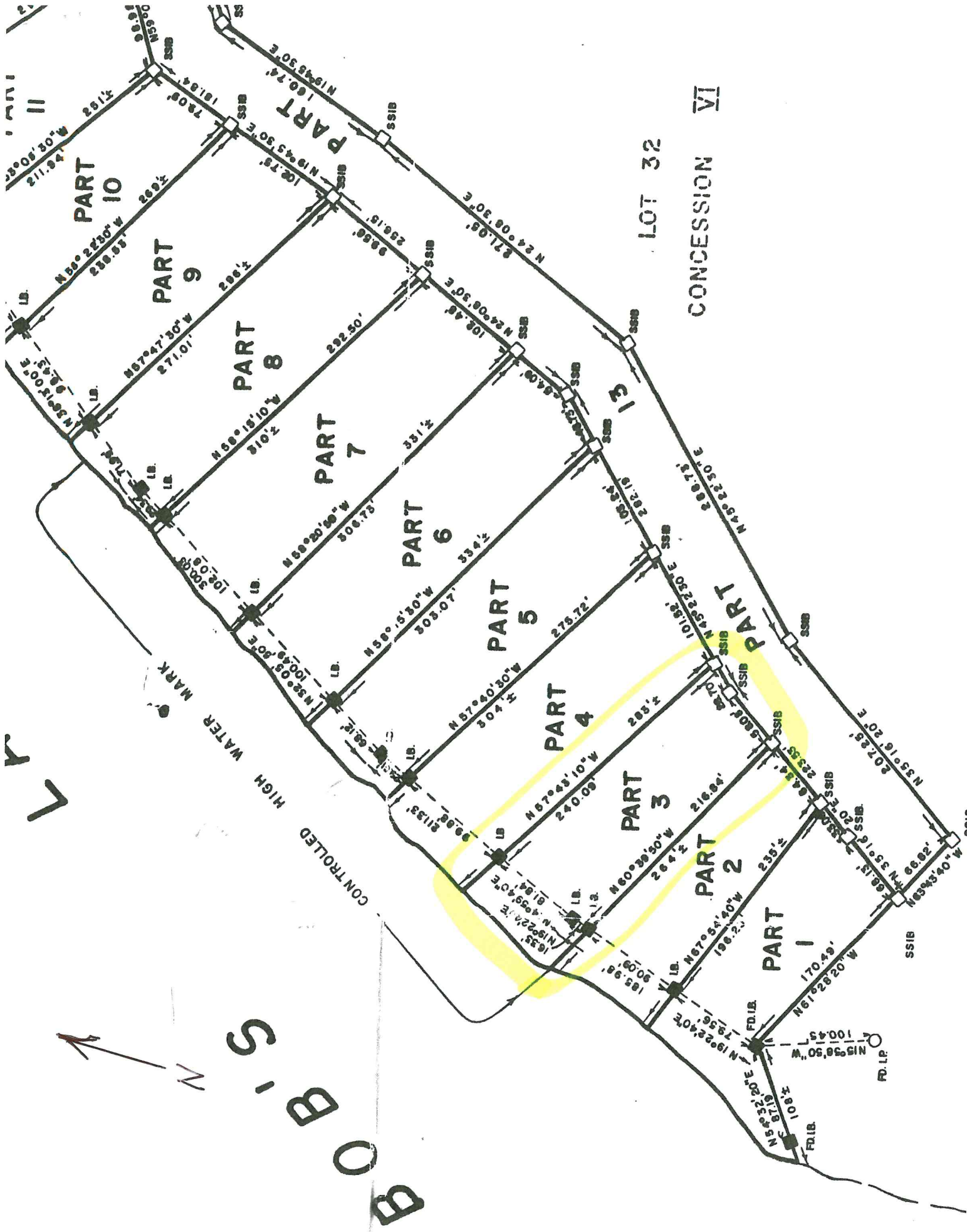
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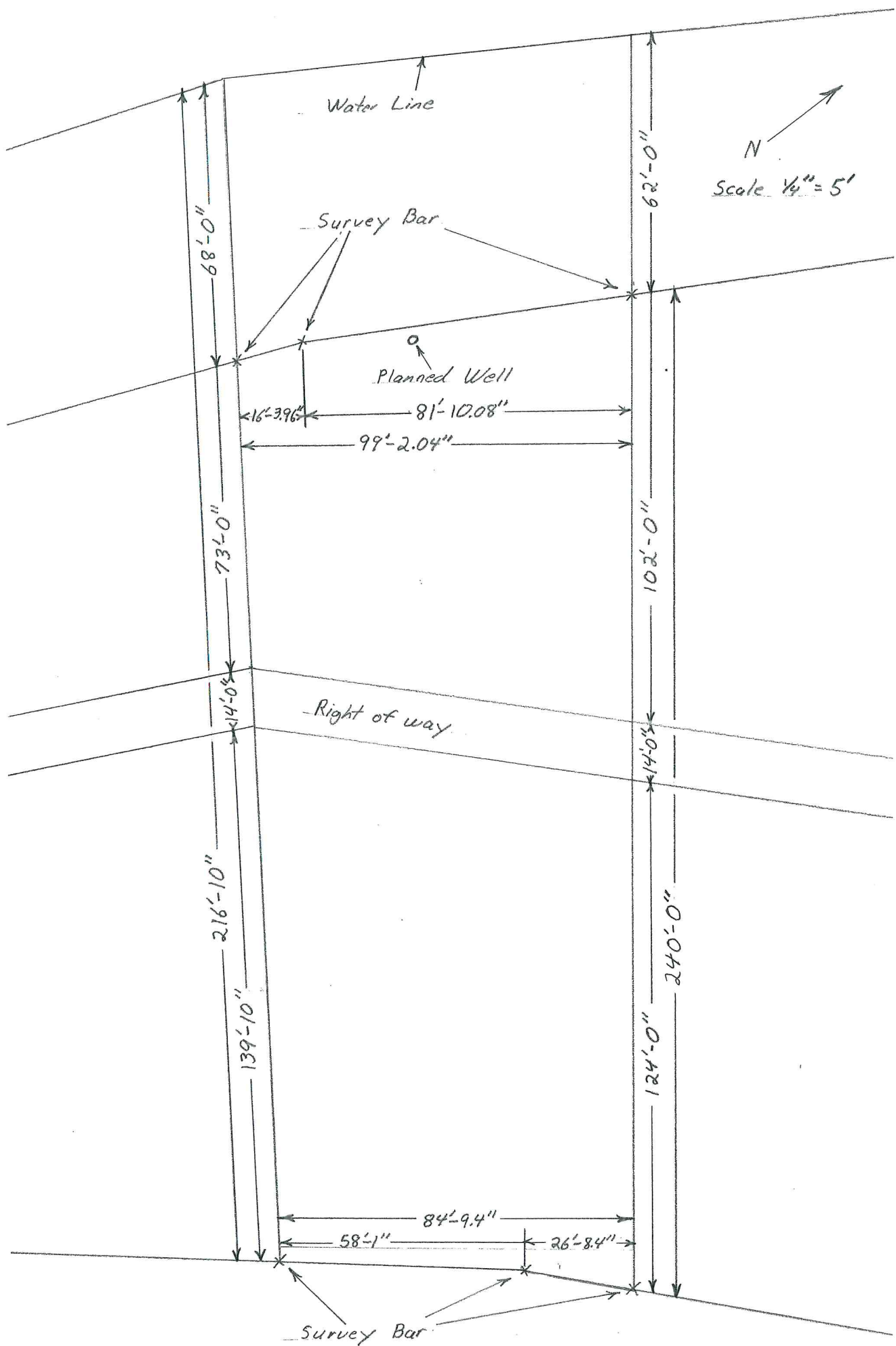
29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.









# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** December 11, 2018

**Application No:** MV-27-18-B

**Owner:** Amsden

**Location of Property:** Part Lot 11/12, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 38 Warbler Lane

**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw to permit the reconstruction and enlargement of a dwelling within the waterbody setback 14.6 metres from the highwater mark of White Lake. The applicant is seeking relief from Section 5.11 Replacement of Buildings or Structures which does not permit an increase in gross floor area for buildings or structures within the 30 metre waterbody setback.

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

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **approve** minor variance application MV-27-18-B to permit the reconstruction and enlargement of a dwelling on the original footprint at the subject property.

### Proposal

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

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

Minor variance is required to permit the construction of a second storey and crawl space as part of the cottage reconstruction:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.

Requested variance from this section:

- a. Proposed second-storey and crawl space: 14.6 metres from the high water mark of White Lake (variance request of 15.4 metres).

2. Section 10.3.1: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned Limited Services Residential – Waterfront.

Requested variance from this section:

- a. Proposed second-storey and crawl space: 14.6 metres from the high water mark of White Lake (variance request of 15.4 metres).

3. Section 5.11: The replacement building shall be located on and not increase the footprint or gross floor area of the non-conforming/non-complying building. The applicant shall provide proof to the satisfaction of the Chief Building Official that there will be no increase in the size of the building footprint or gross floor area and that the replacement building will be located within the same footprint as the non-conforming/non-complying building.

Requested variance from this section:



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- a. Proposed second-storey and crawl space: 14.6 metres from the high water mark of White Lake (variance request of 15.4 metres).

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 oversized lot with 485 metres of waterfrontage along White Lake and is approximately 19.8 acres in area. The lot is irregularly shaped with a peninsula that projects into White Lake that contains the existing development. The remainder of the lot contains a steep rock outcrop and embankment that runs the length of the property and is elevated an addition 20+ metres beyond the laneway. The depth along the laneway to the rock embankment is not wider than 30 metres and could not accommodate a dwelling outside the 30 metre setback without a considerable amount of blasting.

The surrounding area contains seasonal dwellings located along Warbler Lane and other waterfront properties on White Lake that are accessed from Younge Lane off Westport Road.

## Planning Analysis

### Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. When assessing development 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 limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

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. In comments dated November 28, 2018, Quinte Conservation staff note that they are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement. At the site visit, planning staff noted that the configuration of the peninsula would result in further encroachment into the waterbody setback if an addition were proposed outside of the footprint of the existing structure.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Conservation Authorities have Provincially been delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands.

Quinte Conservation staff are satisfied that the application as presented is consistent with section 3.1 of the PPS as there is sufficient area for development outside the flood hazard. From a site visit conducted by Township and County planning staff, it became evident that moving the cottage outside of the 30 metre setback on the property would result in significant blasting and disturbance along the rock embankment.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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 5.7.7 (“Limited Service Residential Policies”) include residential development as a permitted use. Lots are to be developed with private water and sanitary sewage disposal. The proposed new construction will maintain the setback of the existing cottage, but supporting a second-storey on the original cottage footprint. The constraints identified on the lot, prevent the cottage from achieving a greater setback. Included with the application are images provided by the owner that show how the existing vegetation conceals the cottage from the waterfront, therefore retaining the character of the waterfront. When reviewing neighbouring properties and those around the lake, planning staff noted that the proposal was consistent with the type of development on White Lake. It is important to note that White Lake is not identified as a lake trout lake in the Township.

Current Zoning: Limited Service Waterfront Residential

The property is zoned Limited Service Waterfront Residential (RLSW) in the Township of South Frontenac Zoning Bylaw. The intent of the LSW zone is to permit waterfront development with uses restricted to residential and ancillary uses which are accessible on a private lane. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures. With the subject application, redevelopment of the site is proposed to increase the usability of the cottage with the addition of a second-storey and crawl space. When completing the site visit, planning staff noted that without considerable disturbance and blasting on the subject property, increasing the setback from the highwater mark could not be achieved. The rock embankment that runs the length of the property limits the ability to increase the setback.

Planning staff at the Township contacted the applicant prior to the preparation of the report to confirm that the decking proposed is the same configuration as the decking that exists; this was confirmed by the owner and verified by planning staff when completing the site visit. Planning staff confirmed the height of a crawl space as defined in the Ontario Building Code and recommend that these provisions be applied to the subject property; a crawl space has a maximum height of 5’11’ and is not considered habitable space.

## Agency Analysis and Comments

KFL&A Public Health – Comments dated December 7, 2018, KFL&A Public Health state they have no objection to the proposed minor variance as the applicant has submitted a permit under BE-11-18

Quinte Conservation – In comments dated November 28, 2018, Quinte Conservation note that they have no objection to the application as presented. Quinte Conservation reviewed the application within the context of Section 2 and Section 3 of the Provincial Policy Statement and Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). Quinte notes that the lands lie within the regulated area of White Lake and that Quinte staff issued Permit No. REG0215-2018 to the landowners to demolish and reconstruct the dwelling on the same footprint and to upgrade the existing sewage system on the subject lands.

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 reconstruction and enlargement of a dwelling at Part Lot 11/12, Concession 3, District of Bedford, meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan because the proposed redevelopment of a rural waterfront property is permitted within the designation. The proposal will maintain the waterbody setback of the existing development while also maintaining the character of the subject lands.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- The variance conforms to the general intent and purpose of the Zoning Bylaw as the placement of the second-storey addition maintains the waterbody setback. Achieving the 30 metre waterbody setback would involve substantial disturbance along the rock embankment that dissects the subject property.
- The variance is desirable for the appropriate development of the lands in question as the addition of the second-storey and crawl space will increase the usability of the dwelling while maintaining the waterbody setback and character of the lot. An expansion to the footprint of the dwelling would result in a reduction of the waterbody setback in that area.
- The variance is minor because the proposal seeks to maintain the waterbody setback with the addition of the second-storey over the original footprint, while also not resulting in the loss of the vegetated buffer, not impacting the character of the waterfront. The application has been reviewed by Quinte Conservation who concluded that the proposal is consistent with Section 2 and Section 3 of the PPS.

### 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 reconstruction of the dwelling and enlargement in gross floor area through the construction of a crawl space and second storey addition. The crawl space and second storey addition shall stay within the confines of the footprint of the original cottage and within the height provisions of the Limited Service Waterfront Residential zone.
2. The crawl space shall be constructed as per the definition in the Ontario Building Code, with a maximum height of 5'11".
3. Minor variance MV-27-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. Sediment and erosion controls between the construction area and White Lake are to be installed prior to the initiation of the work, remain in place until the site has been allowed to regenerate and the vegetation has been re-established.
5. All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of White Lake at a proper disposal site.

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






### Attachments

Map of the Amsden property.



**AMSDEN**  
**MV-27-18-B**  
**38 WARBLER LANE**

**Legend**

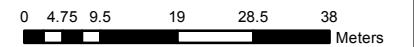
-  Proposed Shed
-  Proposed Septic
-  Proposed Deck
-  Proposed Bunkie
-  Amsden Property



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 1:941



UTM Projection NAD 83



**KFL&A**  
Public Health

**REQUESTS FOR COMMENTS**

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

<b>To:</b>	Ms. Megan Rueckwald Secretary-Treasurer, Committee of Adjustment Township of South Frontenac 4432 George Street Sydenham, ON K0H 2T0
<b>Application Number:</b>	MV-27-18B
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Amsden, Brian & Sharon
<b>Location:</b>	Lot 11 & 12, Concession 3, Bedford 38 Warbler Lane
<b>Planning Department or Agency:</b>	Township of South Frontenac (Bedford)
<b>Comments:</b>	KFL&A Public Health has no objection to the proposed minor variance as the owners had submitted an application under permit number BE-11-18.
<b>Inspector:</b>	 Joanne McGurn, CPHI(C), Public Health Inspector
<b>Date:</b>	December 07, 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.

**DEVELOPMENT, INTERFERENCE WITH WETLANDS & ALTERATIONS TO SHORELINES & WATERCOURSES, ONT. REGULATION 319/09**

**PERMIT #** REG0215-2018  
**ISSUED TO:** Brian Amsden  
**CIVIC ADDRESS:** 38 Warbler Lane  
**GEOGRAPHIC DESCRIPTION:** Lot 11 & 12, Concession 3, Bedford, Township of South Frontenac  
**WATER FEATURE:** White Lake

**Works to be undertaken include:**

Demolish and construct a new dwelling on the original footprint of the existing cottage and upgrade sewage system as per the application and plans received at this office on July 13, 2018 and the following conditions:

**Conditions:**

- As per the application the new dwelling will be located on the original footprint of the cottage as per the floor plan sketch file received on July 25, 2018.
- As per the email received on July 25, 2018, the new dwelling will be built slab on grade.
- As per the floor plans two open decks will be constructed; the first deck will be attached to the north side of the dwelling with dimensions of 8 ft. by 29 ft. The second open deck will be located on the southeast corner with a dimension of 17 ft. 3 inches by 16 ft. 5 inches.
- It is understood that a 36 foot by 8 foot covered/screen deck will be located on the west side of the new dwelling but **AT NO TIME CAN THE PORCH BE CONVERTED TO LIVING SPACE OR HAVE WINDOWS INSTALLED.**
- As per the email dated July 25, 2018 the KFL&A Public Health Unit has approved the upgraded sewage system. It is understood the new septic system is located 50 feet away from the seasonal high water mark.

**General:**

- Sediment and erosion control measures must be properly installed and maintained between the work site and the seasonal high water mark of White Lake throughout all phases of construction.
- All fill that is temporarily stored on site before and during construction must be independently surrounded by appropriate sediment and erosion controls and must be removed from the site upon completion of the project.
- Any disturbed areas are to be stabilized with top soil and seeded with native vegetation.
- All works must be constructed as per submitted documentation and drawings provided.

**Wells:**

- The installation of the well must be in compliance with the Ontario Water Resources Act, R.R.O. 1990, Regulation 903 Amendment to Ontario Regulation 128/03, Wells. As per the Water Resources Act, all of the proposed alterations must be completed by a properly licensed well contractor. Please contact the Ministry of the Environment, Kingston office for further information.

Any departure from the submitted documentation without prior written approval from Quinte Conservation will constitute a violation of this permit and may result in legal action in accordance with Section 28 of the Conservation Authorities Act. Should your plans change regarding the specifications and location of the projects described, please contact this office so an amendment can be issued accordingly.

You are reminded that the granting of this permit does not remove your responsibility to obtain any necessary additional permits from other agencies or government bodies. It is also important to note that this permit does not override any other permit or setback requirements from other agencies. In the case of a conflict between setback requirements the most restrictive will apply.

**Notes:**


- Quinte Conservation inspects some, but not all permits. If you are interested in a re-inspection, please contact this office within one month of the project's completion.

c.c. Township of South Frontenac – Building Department

In accordance with the Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation made pursuant to Section 28(1) of the Conservation Authorities Act, R.S.O. 1990, this permit is granted provided that all works are completed in accordance with the specifications and plans set out in the application.

This permit is not transferable/renewable. Additional approvals may be required under other applicable legislation.

**PERMIT MUST BE PROMINENTLY DISPLAYED AT THE WORK SITE**



Darcy Clow  
 Regulations Officer

Issuance Date: 31/07/2018

Expiry Date: 31/07/2020





## QUINTE CONSERVATION - PLANNING ACT REVIEW

**QC File No. PL0270-2018**

<b>Municipality:</b>	Township of South Frontenac		
<b>Owner:</b>	Brian and Sharon Amsden		
<b>Location:</b>	38 Warbler Lane	Part Lots 11 & 12, Concession 3	Bedford
<b>Roll #:</b>	1029-020-040-17001-00000		
<b>Application Description:</b>	Minor Variance File No. MV-27-18-B	Allow for reduction in setback from high water mark which allows for an existing structure to be torn down and rebuilt on the same footprint with a second storey addition adjacent to White Lake.	
<b>Feature:</b>	White Lake		
<b>Comments:</b>	<p><b><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></b></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands.</p> <p><u>Staff are satisfied that the application as presented is consistent with section 3.1 of the PSS as there is sufficient area for development outside the flood hazard.</u></p> <p><b><u>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses</u></b></p> <p>The subject lands lie within the regulated area of White Lake. Quinte Conservation staff issued Permit No. REG0215-2018 to the landowners to demolish and reconstruct the dwelling on the same footprint, and to upgrade the existing sewage system on the subject lands.</p> <p>Please note that the owners will need to apply to the Conservation Authority for a permit prior to any future development (construction/site grading/filling/excavation) within 30 metres of the 1:100 year flood plain of White Lake.</p> <p><b><u>Quinte Region Source Protection Plan</u></b></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> to the subject property as it lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system.</p> <p><u>As such no Section 59 Clearance Notice is required.</u></p> <p><b><u>Planning Act - Natural Heritage policies of the Provincial Policy Statement</u></b></p> <p>Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects features such as; Provincially significant wetlands, significant woodlands and significant areas of natural and scientific interest.</p> <p><u>Staff are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement.</u></p>		

<b>Final Comments:</b>	Quinte Conservation has no objection to the application as presented.

*Sam Carney*

\_\_\_\_\_  
Sam Carney  
Planning and Regulations Technician

November 28, 2018

Date

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Oct 27 / 18 Nov. 9/18

File No: MV-27-18-B

1. Name of Owner(s): Brian and Sharon Amsden

Full Mailing Address of Owner(s): [REDACTED] 3

Phone number of Owner(s): [REDACTED] 3

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 3 Lot Number: 11 and 12

Street Number: 38 Name of Road/Street: Warbler Lane

Reference Plan Number: 13R-7178 Part Number(s): 6 to 12

Roll Number: 102902004017001

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 1600 ft                      Frontage (on road/lane): \_\_\_\_\_  
Depth: 600 ft on average                      Area: 19.8 acres

5. The current zoning of the subject land:

residential

6. The nature and extent of the relief from the Zoning By-law:

We are looking to rebuild our property and add a second story/loft while also keeping our existing crawl space.  
The current cottage, which is the original building on site, is within the required 30 m setback from the water.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

There is an existing property on site that is too close to the water. To comply, we would need to build in a new location. The new location would be on an elevated embankment of the property (change in elevation is ~ 20 m). This would require building a new road for access, moving hydro poles, and building a new septic system.

8. Does the subject property front on a municipally maintained road?     Yes     No  
OR a privately maintained road?     Yes     No

Name of Road/Lane:

Warbler Lane, which connects to Younge Lane

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

10. What are the existing uses of the subject land?

Residential

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes     No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

12. If the answer to item 11 is yes, for **EACH building or structure** indicate:

<b>Type of Structure (E.g. residence)</b>	<b>(1)</b> residence	<b>(2)</b> shed	<b>(3)</b>	<b>(4)</b>
<b>Setback from Front Lot Line</b>	48 ft	110 ft		
<b>Setback from Rear Lot Line</b>	637 ft	600 ft		
<b>Setback from Side Lot Line</b>	600 ft from north 1000 ft from south	600 ft from north 1000 ft from south		
<b>Height of Building</b> (Also indicate if it is one story or two story)	one story, height with crawl space is 22 ft	11 ft		
<b>Dimensions of Floor Area</b>	1200 square ft	8' x 10'		
<b>Setback from High Water Mark</b> (If applicable)	48 ft	50 ft		

13. The proposed uses of the subject land:

Residential property.

---

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

	(1)	(2)	(3)	(4)
<b>Type of Structure</b> (E.g. residence)	bunkie			
<b>Setback from Front Lot Line</b>	130 ft			
<b>Setback from Rear Lot Line</b>	530 ft			
<b>Setback from Side Lot Line</b>	530 ft south 1500 ft north			
<b>Height of Building</b> (Also indicate if it is one story or two story)	one story 14 ft			
<b>Outside Dimensions of Building/Structure</b>	12' x 24'			
<b>Setback from High Water Mark</b> (If applicable)	130 ft			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?     Yes     No

If yes, please provide details:

We plan on taking down the existing structure and completely rebuilding a residence.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

We would like to add a second story to the existing building.

18. What are the uses of the proposed development?

- (a) Increase in number of bedrooms  Yes  No
- (b) Increase in plumbing fixtures  Yes  No
- (c) Increase in living space  Yes  No
- (d) Will the addition or structure encroach on the existing septic system?  Yes  No

19. The date the subject land was acquired by the current owner:

June 7, 2005

20. The date the existing buildings and structures were constructed on the subject lands:

We are not certain, but likely summer 1971

21. The length of time that the existing uses of the subject land have continued:

A cottage with a septic has existed on this property since summer 1971.

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Lake water is drawn in for use as gray water, potable water is brought in. We plan on having a well drilled on site.

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

Sewage disposal is via an existing private septic system.

24. Is storm drainage provided by sewers, ditches, swales or by other means?

There is no storm drainage system on the property.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No      unknown

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$747.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[Redacted signature area]

*CPH*

[Redacted signature area]

*B. J. M. D. E. W.*

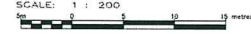
[Redacted signature area]

[Redacted signature area]



WHITE LAKE

PLAN OF SURVEY  
SHOWING THE LOCATION OF  
BUILDINGS ON A PORTION OF  
PART 10, PLAN 13R-7178 ON  
PART OF LOTS 11 AND 12  
CONCESSION 3  
TOWNSHIP OF SOUTH FRONTENAC  
(GEOGRAPHIC TOWNSHIP OF BEDFORD)  
COUNTY OF FRONTENAC  
SCALE: 1 : 200



METRIC  
DISTANCES & COORDINATES SHOWN ON THIS PLAN  
ARE IN METRES AND CAN BE CONVERTED TO FEET  
BY DIVIDING BY 0.3048

LESLIE M. HIGGINSON SURVEYING LTD.  
2018

THIS REPORT WAS PREPARED FOR  
SERRAVALLO AMSDEN & THE  
UNDERSIGNED ACCEPTS NO RESPONSIBILITY  
FOR USE BY OTHER PARTIES

NOTE & LEGEND:  
BEARINGS SHOWN HEREON ARE GRID BEARINGS REFERRED TO THE  
CENTRAL MERIDIAN 75° WEST, ZONE 18, OF UTM 83 (1983 ADJUSTMENT).  
EASTING COORDINATES (EASTING) AND NORTING COORDINATES (NORTING)  
HORIZONTAL CONTROL MONUMENTS (G1914202), (G0919184) & (G01914003)  
COMPARISONS SHOWN IN BRACKETS ARE TO ASTROLOGICAL BEARINGS.

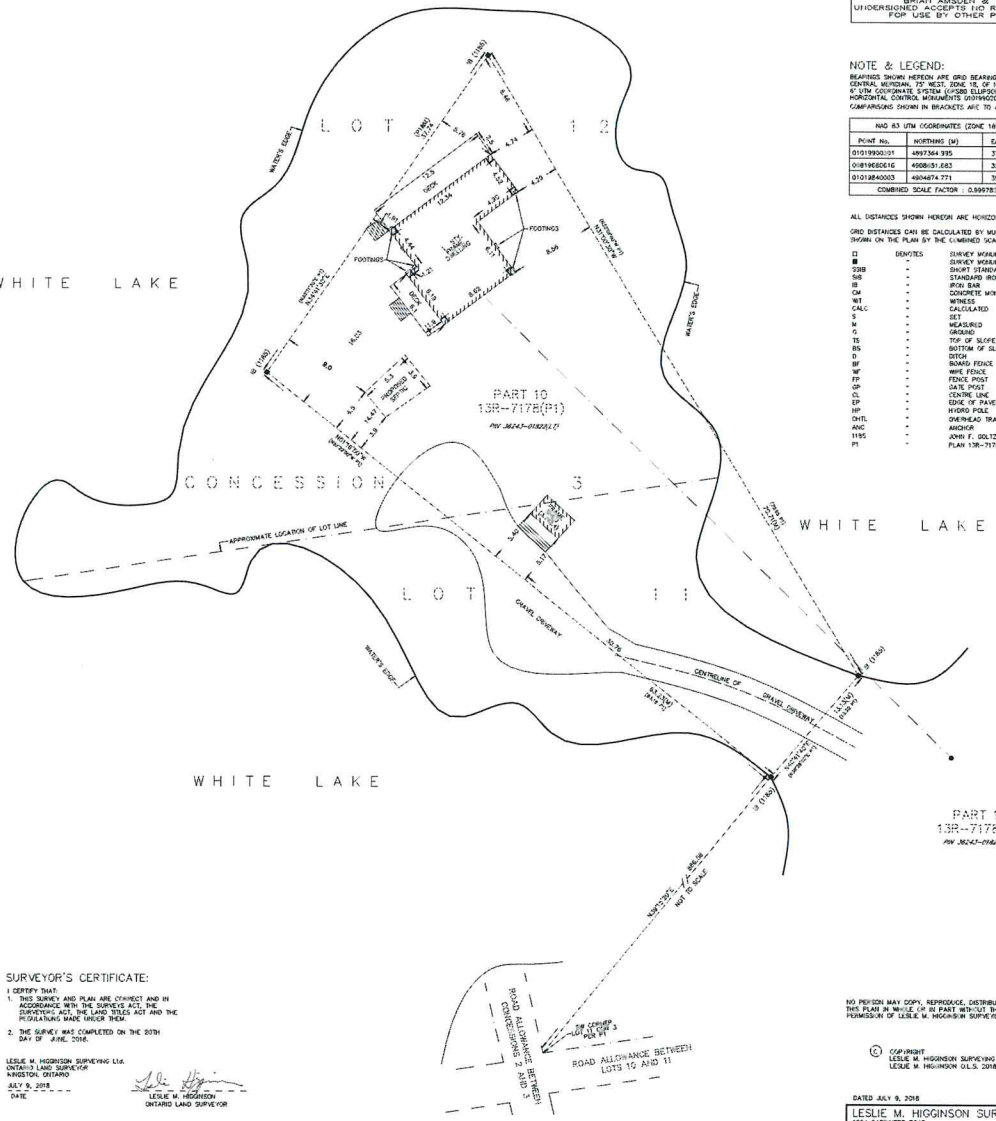
NAD 83 UTM COORDINATES (ZONE 18)		
POINT NO.	NORTING (N)	EASTING (E)
G191920021	4897344.395	375744.430
G0919184016	4898031.685	332861.806
G191284003	4804874.771	344257.750

COMBINED SCALE FACTOR : 0.99978361

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL. GROUND DISTANCES  
CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES  
SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.99978361.

- SURVEY WALKWAY PLANTING
- SURVEY MONUMENT FOUND
- ▬ SHORT STANDING IRON BAR
- ▬ STANDARD IRON BAR
- IRON NAIL
- ▬ CONCRETE MONUMENT
- WIRELESS
- CALCULATED
- SET
- MEASURED
- GROUND
- TOP OF SLOPE
- BOTTOM OF SLOPE
- DITCH
- BRASS PEG
- WIRE FENCE
- FENCE POST
- GATE POST
- CENTRE LINE
- EDGE OF PAVEMENT
- HYDRO POLE
- OVERHEAD TRANSMISSION LINE
- ARCHER
- 1185
- JOHN F. SOLTZ O.L.S.
- PLAN 13R-7178

WHITE LAKE



**SURVEYOR'S CERTIFICATE:**

1. I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE THEREIN.
2. THE SURVEY WAS COMPLETED ON THE 20TH DAY OF JUNE, 2018.

LESLIE M. HIGGINSON SURVEYING LTD.  
ONTARIO LAND SURVEYOR  
KINGSTON, ONTARIO  
JULY 9, 2018  
DATE

*Leslie M. Higginson*  
LESLIE M. HIGGINSON  
ONTARIO LAND SURVEYOR



NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER  
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LESLIE M. HIGGINSON O.L.S. 2018

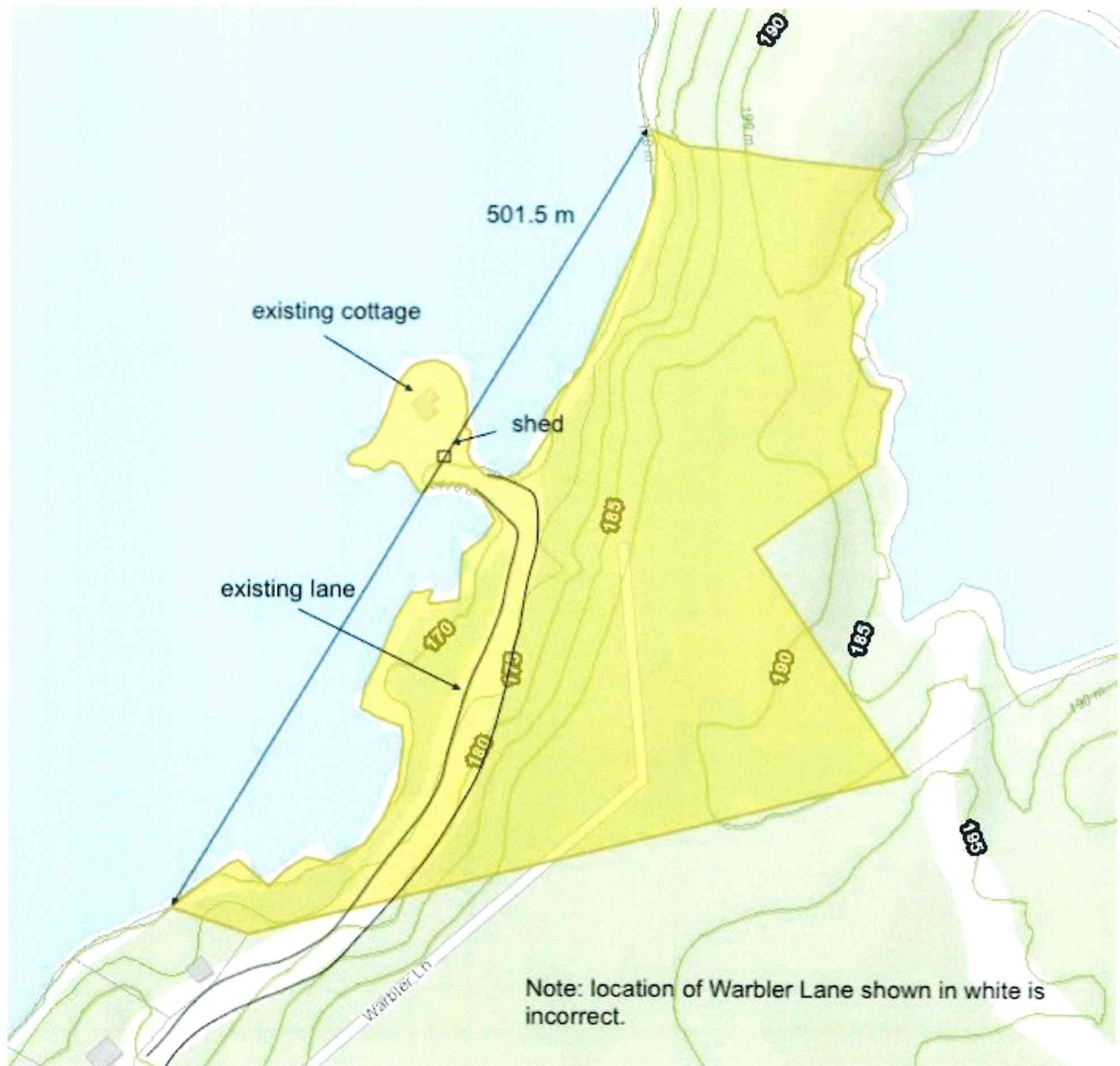
DATED JULY 9, 2018  
LESLIE M. HIGGINSON SURVEYING LTD.  
1064 GARDENERS ROAD  
KINGSTON, ONTARIO, K7P 1P7  
(613) 399-7900 (FAX) 398-5578 or leslie@lmh-surveying.com  
FILE: BE'D 3-11,12 LMH1366ND POS



Included in this attachment are:

- a sketch of property boundaries obtained from Frontenacmaps.ca
- a 2018 survey of location of existing cottage
- photographs of the existing cottage from the water indicating that the waterfront is surrounded by mature trees that nearly completely hide the building from view

**Overhead view obtained from Frontenacmaps.ca.** Note that the elevation lines are provided in m and the property is shaded yellow. The end-to-end linear distance along the waterfront obtained from Frontenacmaps.ca is 501.5 m (shown). Also indicated is the location of the existing cottage and shed. The lane location on the image from Frontenacmaps is incorrect. The correct location of the lane is indicated below.



Survey of location of existing cottage and septic bed.

View from the West:



View from the South:



View from the North:





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** December 9, 2018, Amended December 13, 2018

**Application No:** MV-28-18-S  
**Owner:** Kubes, Sakell and Sakell-Kubes  
**Location of Property:** Part Lot 7, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 4725 Noble Lane  
**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 12.2 metres to permit/recognize an addition to an existing seasonal dwelling. The applicants are also seeking relief from Section 10.3 to permit the maximum lot coverage from 5% to 8% for the principal use.  
**Date of Hearing:** December 13, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **approve** minor variance application MV-28-18-S.

### Proposal

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

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

Minor variance is required to recognize the construction of the decking:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.  
 Requested variance from this section:
  - a. Proposed addition: 12.2 metres from the highwater mark of Loughborough Lake (variance request of 17.8 metres)
  
2. Section 10.3: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned Limited Service Waterfront Residential:  
 Requested variance from this section:
  - a. Proposed addition: 12.2 metres from the highwater mark of Loughborough Lake (variance request of 17.8 metres)
  
3. Section 10.3: Lot coverage maximum for the principal building is 5%.  
 Requested variance from this section:
  - a. Proposed seasonal dwelling: 8% (variance request of 3%).

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?



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- 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 undersized when compared to the provisions in the current Zoning Bylaw with an area of 0.4 acres and approximately 129 feet of frontage along Loughborough Lake. The topography of the lot is gently sloping towards the waterfront, with a ridge that dissects the property just beyond the rear of the existing dwelling. The configuration of the waterfront results in the reduction of the waterbody setback due to the natural inlet. The septic system is located to the east of the dwelling and will require an upgrade as part of the building permit application.

The surrounding area contains similar smaller lots developed along Noble Lane, some of which contain structures that are located closer to the waterfront than the subject property. To the south of Noble Lane is the settlement area of Battersea with large rural lots used for agriculture.

## Planning Analysis

### Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. When assessing development 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 limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

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. Cataraqui Region Conservation Authority reviewed the application within the context of natural heritage and water quality under the Planning Act. Staff note that the proposal will result in development exceeding the 5% lot coverage; CRCA are able to support the application since the portion of Loughborough Lake is not sensitive for lake trout and no wetland communities were found along the shoreline according to CRCA mapping. Staff recommend that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and CRCA.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. CRCA staff have no concern from a natural hazards perspective and note that the development is located outside of the setback from the regulatory flood plan and beyond the 10 metre erosion hazard measured from the stable toe of slope.

Current Official Plan Designation: Settlement Area

The property is designated as Settlement Area in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Settlement Area speak to ensuring sufficient land is available to permit the location of new development, to promote a full range and mix of housing types and densities and support development that is compatible with existing and proposed land uses. Planning staff note that many of the seasonal dwellings located along Noble Lane are located in close proximity to the waterfront on lots of a similar size. Planning staff also note that the proposed development is no encroaching closer to the waterfront than the edge of the existing decking.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Current Zoning: Limited Service Waterfront Residential (RLSW)

The property is zoned Limited Service Waterfront Residential in the Township of South Frontenac Zoning Bylaw. The intent of the LSWR zone is to permit development with uses restricted to those that are compatible to the waterfront and location along a private road. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures; this is stated in the zone regulations as well as the general provisions. The applicant is applying to recognize the construction of an addition to accommodate a nursery and closet space within the seasonal dwelling. The proposal will not further reduce the waterbody setback than the closest point of the deck from the highwater mark of Loughborough Lake.

With regards to lot coverage, planning staff note that the CRCA have no objection to the proposed increase in lot coverage as stated above. Further, planning staff note that the constraints of the lot, including access and the ridge dissecting the property limit the potential for further expansion or the placement of accessory structures.

A site visit was conducted by Township and County planning staff to observe site characteristics and determine desirability of the proposed construction.

## Agency Analysis and Comments

KFL&A Public Health – Correspondence dated December 7, 2018, indicates that KFL&A Public Health has no objection to the proposed setback reduction for the proposed construction. The applicant will have to submit an application to construct a new sewage system through KFL&A Public Health before obtaining a building permit for the addition, as the existing sewage system does not meet the requirements of the Ontario Building Code (see performance review permit # ST-61-18).

Cataraqui Region Conservation Authority – In comments dated December 13, 2018, CRCA staff note they have no objection to the approval of application MV-28-18-S based on their consideration for natural hazards, natural heritage and water quality and quantity protection policies. They note that the proposal is located at a reasonable location since there is limited opportunity to locate development on the other side of the dwelling due to the proximity of the property line and steep sloping land to the rear of the cottage. Staff note that the proposal will result in development exceeding the 5% lot coverage required. However, staff can support the application since this portion of Loughborough Lake is not sensitive for Lake Trout, and no sensitive wetland communities were found along the shoreline according to CRCA mapping.

Public Comments – As of the date of preparing the report, comments have been received by email from a neighbouring property owner on Noble Lane. The comments, including planning staff's reply, are included in the agenda.

## Conclusion

The proposed application to recognize the construction of an addition at Part Lot 7, Concession 9, District of Storrington, 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 consistent with the 2014 Provincial Policy Statement including Section 2.1 Natural Heritage which then meets the intent of the Official Plan. The proposed construction will expand a seasonal dwelling within the waterbody setback, while not encroaching further into the setback than the existing decking.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the addition to the cottage seeks to maximize the waterbody setback while also recognizing the configuration of the shoreline and constraints to the property including the parking area, location of septic, and ridge. The addition will not encroach closer to the waterfront than the existing decking. With regards to lot coverage, this area of Loughborough Lake is not sensitive for Lake Trout and no wetlands were identified through CRCA's review.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- The variance is desirable for the appropriate development of the lands in question as the construction will max out the development potential on the lot, while recognizing that a second storey addition would not be achieved on the existing structure.
- The variance is minor as the proposed construction is not anticipated to impact the character of the waterfront, recognizes that the constraints to the property including the steep ridge and placement of the septic system. Further, the CRCA support the additional lot coverage since the portion of Loughborough Lake is no sensitive for lake trout, and no wetland communities were found along the shoreline according to CRCA mapping.

### **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 addition setback a minimum of 12.2 metres from the highwater mark of Loughborough Lake. The proposed addition shall be no larger than 16 feet by 20 feet and is to run along the west side of the seasonal dwelling as per the plans submitted.
2. Minor variance MV-28-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. The applicants shall enter into a site plan agreement with the Township recognizing the limited service policies, incorporating the recommendations from the CRCA listed in their letter dated December 13, 2018, and include the Township's waterfront development policies (naturalizing the shoreline and establishing a vegetated buffer).

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

### **Attachments**

Map of the Kubes, Sakell, Sakell-Kubes property.



**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>	Secretary-Treasurer, Committee of Adjustment PO Box 100 Sydenham, Ontario K0H 2T0
<b>Application Number:</b>	MV-28-18-S
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Kubes, Paul; Sakell-Kubes, Anastasia; Sakell, Maureen
<b>Location:</b>	4725 Noble Lane, Battersea, ON Concession 9, Part Lot 7; RP # 13R12217, Parts 1 and 2 Loughborough Lake, former Storrington township
<b>Planning Department or Agency:</b>	Township of South Frontenac (Storrington)
<b>Comments:</b>	KFL&A Public Health has no objection to the proposed setback reduction for the proposed addition.  The applicant will have to submit an application to construct a new sewage system through KFL&A Public Health before obtaining a building permit for the addition, as the existing sewage system does not meet the requirements of the Ontario Building Code (see performance review permit # ST-61-18).
<b>Inspector:</b>	 Matthew Doyle, CPHI(C), Public Health Inspector
<b>Date:</b>	December 07, 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.



## CATARAQUI REGION CONSERVATION AUTHORITY

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

Member of



December 13, 2018

File: MV/FRS/256/2018

### Sent by E-mail

Claire Dodds, Director of Development Services  
Township of South Frontenac  
P.O. Box 100  
Sydenham, Ontario  
K0H 2T0

Dear Ms. Dodds:

**Re: Application for Minor Variance MV-28-18-S (Kubes) – Revised Comments  
Part Lot 7, Concession 9; Roll No. 102906005005500  
Storrington District, Township of South Frontenac  
Waterbody: Loughborough Lake (east basin)**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration. *Revisions and additional comments to those provided in our previous correspondence of December 5, 2018 are provided in bold italic font for quick reference.*

### Summary of the Proposal

The proposal involves the construction of a 29.7 square metre addition onto a single-family dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to approximately ***12.2 metres*** in order to permit the construction of an addition.

### Site Description

The property is located on the south shore of the east basin of Loughborough Lake. The topography of the property can be described as having a low bank at the shoreline that levels out into a relatively flat area where the existing dwelling is located, then rising more steeply behind the dwelling toward Noble Lane to the south.

The property is designated 'Settlement Area' in the Official Plan and zoned 'Urban Residential – First Density' (UR1) in the implementing Zoning By-law. Staff note that the east basin of Loughborough Lake does not carry the same "Lake Trout Lake" designation as the west basin in the Township's Official Plan.

## Discussion

The main interests of the CRCA with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Loughborough Lake, and the protection of the water quality of the lake.

### Natural Hazards

**Flooding:** The maximum recorded water level for Loughborough Lake is 125.03 metres geodetic. For Loughborough Lake, the maximum recorded water level is used in lieu of an engineered flood plain. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of the setback from the regulatory flood plain.

**Erosion:** The CRCA defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 3:1 for till shorelines, plus an erosion access allowance of 6 metres. Based upon this criteria, staff have determined the total erosion hazard to be 10 metres measured inland from the stable toe of slope. Staff have concluded that the addition is located outside of the anticipated erosion hazard allowance.

*Staff have no concerns from a natural hazards perspective.*

### Water Quality

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

Section 5.2.7 b)(i) of the Official Plan 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. 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. However, the CRCA Planning Policy also suggests that new development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

***The development proposal is located in a reasonable location since there is limited opportunity to locate development on the other side of the dwelling due to proximity to the east property line, or along the backside of the existing structure due to the steeply sloping land in that location, and the development is going no closer to the water than existing development (existing deck). Staff note that the proposal will result in development exceeding the 5% lot coverage required by the UR1 zoning. However, staff can support the application since this portion of Loughborough Lake is not sensitive for Lake Trout, and no sensitive wetland communities were found along the shoreline according to CRCA mapping.***

*Staff recommend that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and the CRCA.*

### **Recommendation**

**Staff have no objection to the approval of application MV-28-18-S based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.**

#### Ontario Regulation 148/06

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. ***Staff note that the proposed location for the addition is within an area to which the regulation applies. Therefore, a CRCA permit is required for this development.***

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. Paul Kubes, 39 Montenaro Bay, Cochrane, Alberta, T4C 0A5  
Megan Rueckwald, South Frontenac Township (via email)



December 7, 2018

Hi James,

My name is Megan Rueckwald and I am the planner responsible for completing the report for minor variance application MV-28-18-S. I was forwarded your email from Claire Dodds, the Director of Development Services with the Township. It came to my attention when completing the site visit, that the addition was mapped on the wrong side of the cottage; I have attached an amended map to this email. The proposed application is to recognize the construction that you are referring to below that was built without the required planning approvals. It is important to note that planning staff and the commenting agencies (public health and conservation authority) evaluate the proposal as though the construction had not occurred.

Please see my responses below. I have added you to the circulation list for the agenda; you will be receiving an email from me in the coming days that will include a link to the agenda which will include the comments from the Cataraqui Region Conservation Authority and KFL&A Public Health. All public comments received are included in the agenda package as well; your personal information will be redacted though.

If you have any additional questions, please do not hesitate to contact me.

Thanks,

Megan

**From:** James Pettingill

**Subject:** MV-28-18-S

Hi Claire,

Sorry I missed your call last night.

I was wondering if I could get some more information regarding this minor variance application and general planning rules/regulations.

The addition appears to come very close to the property line if not on it. What is the minimum distance a structure is allowed to be to the property line and how close is this one? **The minimum interior side lot line distance is 3 m for properties zoned Limited Service Waterfront Residential. The proposed addition will be setback beyond the required distance.**

Is there a minimum setback required for a structure to be placed to a well? If so what is it and how far is this addition to the well? **It is my understanding from conversations with the Building Department that there is no minimum setback from a well to a structure (wells may even be located within the structure).**

What is the maximum percentage area of a property that structures are allowed to occupy? Has this been properly calculated for this property/addition? There have been 3 additions made to this structure in recent years (including one this past summer) without planning approval or permitting and I wanted to ensure that it was actually being measured and not calculated based on historic records for the structure. **The maximum lot coverage is 5% for the principal use and 5% lot coverage for accessory structures for properties zoned Limited Service Waterfront Residential. The proposed addition will exceed the maximum lot coverage for the principal use, while the lot is under lot coverage for accessory structures. Planning staff complete a site visit for each application and have confirmed that the drawings submitted with the application match the construction on the ground.**

Is there a minimum setback required to a septic system? If so what is it and what is the distance of this addition to the current septic? **Minimum distances to the septic system are the purview of KFL&A Public Health. Public Health has been circulated the minor variance application; their comments will be posted as part of the agenda.**

Is a septic upgrade included in the planning for this addition? If not, what is the capacity of the current septic system? The current structure has had a bedroom already added to it without planning/permitting and I would assume that this addition will be used to add another, 4th bedroom. **KFL&A Public Health will determine if a septic upgrade is required as part of the application. Public Health will require that a performance review be completed to determine if there is sufficient capacity; if there is not sufficient capacity an upgrade to the system will be required. Please note that it is possible that the minor variance be approved and that upgrades to the system be required which will be worked out through the building permit stage.**

Are there any rules/regulations/bylaws requiring an allowance/area for parking? **There are minimum parking requirements within the bylaw, but not specific areas where the parking should be accommodated on this lot. Parking regulations typically focus on larger scale development where concerns may arise relating to drainage and surface water patterns. Now that the mapping shows the addition to the other side of the cottage, I do not foresee any changes to where the applicant currently parks.**

The property in question (4725 Noble Lane) uses a right of way over my property (4727 Noble Lane) to access it. Is there a plan in this application to change the access from the R.O.W. over my property to directly from Noble Lane? The proposed addition appears to cover the area that is currently used for parking. This would leave nowhere for any vehicles to access 4725 except for being parked on the R.O.W on my property or on Noble Lane. **There are no proposals to change the right-of-way; because the right-of-way is over your property you would need to be the one to apply for the change. Now that I have sent the correct mapping, there should be no changes to the location of the parking.**

Do you have another map of the property and proposed addition (similar to the one attached) other than the satellite/terrain map that was attached to the notification I received in the mail? **To this email I have attached the corrected mapping as well as the sketch that was submitted with the application. You would also be able to view the property on Frontenac Maps ([www.frontenacmaps.ca](http://www.frontenacmaps.ca)).**



4. Copied width of addition (20ft.) to show that the addition is within 20ft. of the high water mark (just past rock wall)

3. Offset matches as kayaks rack splits this property line

1. Yellow line is actual property line

2. Used same offset here to illustrate property line on west side



**KUBES-SAKELL**  
MV-28-18-S  
4725 NOBLE LANE

**Legend**

-  Kubes-Sakell Property
-  Existing Structure
-  Proposed Addition

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While the Township makes every effort to ensure that the information presented is accurate for the intended uses of this map, there is no warrant or guarantee for all possible uses. This map displays basic topographic features only.

Scale 1:400



UTM Projection NAD 83

Hi Megan,

Thanks for the clarification on the variance application as we had assumed this was an application for construction of an addition on the east side of the property due to the map provided to us.

However, the map still has the positioning of the lot lines skewed to the southwest which makes a proper evaluation difficult. I have some concerns with the proposed variance and I believe a proper map and land survey could alleviate a few of them.

1. The addition appears to be much closer than 12.2 meters to the high water mark stated in the application and sketch, perhaps half of that distance. This is a minor point as the spirit of the variance is to allow building within the setback however, the correct distance should be put on record.

2. The addition is closer to the high water mark than the structure "already present" as the property is on a point with the high water line running in a NW direction (contrary to the sketch in the application which has it running east-west), while the addition juts out to the west. This is contrary to 5.2.7(b)(ii)(3) of the official plan that clearly states " In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark."

*3) Proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted but will be evaluated on the merits of the proposal based on the following:*

*a) the ultimate total gross floor area, building footprint and lot coverage being proposed;*

*b) the closeness of the existing dwelling to the high watermark; and*

*c) the capacity of the lot to accommodate new development at a greater setback from the high watermark.*

*In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark.*

3. The addition that was built appears to be closer to the west property line than 3m allowed without a variance (and 12 feet indicated in sketch) and is very possibly over the property line (see attached image). The lot lines overlaid on the map appear to be to scale as the kayak rack between 4727 and 4729 (two properties to the east) is placed on the lot line and shared between the neighbours.

4. The current structure is officially listed at 812 ft<sup>3</sup> however, the structure already has been modified to be over 1100 ft<sup>3</sup>. This addition has increased the structure to over 1400 ft<sup>2</sup> which represents over 11% of the area of the lot. The current bylaw permits a maximum of 5% lot coverage so this is not seem like a "minor" variance to this bylaw.

5. Further to point 4., the septic system that is currently installed would be sized to handle a 2 bedroom, 800 ft<sup>2</sup> structure and not a 4 bedroom, 1400 ft<sup>3</sup> structure. My concern is for the quality of the effluent exiting this system and entering the lake where my children swim daily.

6. The disturbance to the ground cover (removal) and soil during construction along with the lack of ease-troughs contribute to runoff and subsequent nutrient deoprtment into the lake. This is only exasperated if there are nutrients exiting an undersized sewage system. Furthermore, the area around this property is zoned for agriculture and is used for the pasturing of cows, the vegetation/soil on this property provides a critical buffer to the lake from the runoff associated with this activity.

7. The lot could accommodate development on the south side of the structure further away from the high watermark. There is a slope, but with some excavation, an addition could be tucked into the SW corner of the existing structure. Albeit at a likely greater expense to the property owner than the "proposed" addition.

8. Parking is an issue, currently the owners will park their second vehicle on the right of way that is across my property used to access theirs. Adding additional bedrooms will only allow for more visits from extended family further putting pressure on us to allow them to park on our land which is a detriment to our privacy.

9. The view from the lake has changed as an area that was previously treed contains a structure eliminating some of our privacy. Previously, when sitting along the water in front of our property, there was an illusion that one was in a private, secluded woodland area containing only our cottage. With the addition done, the illusion is gone as the addition is completely visible and will contain a window in the future, if approved. One of the stated goals in the official plan surrounding the development of the 30m setback was to emphasize the importance of protecting the township's waterfront areas' unique physical, aesthetic, natural and environmental character. Allowing this addition helps to degrades that natural character and aesthetic of the waterfront.




James Pettingill  
Owner of 4727 Noble Lane

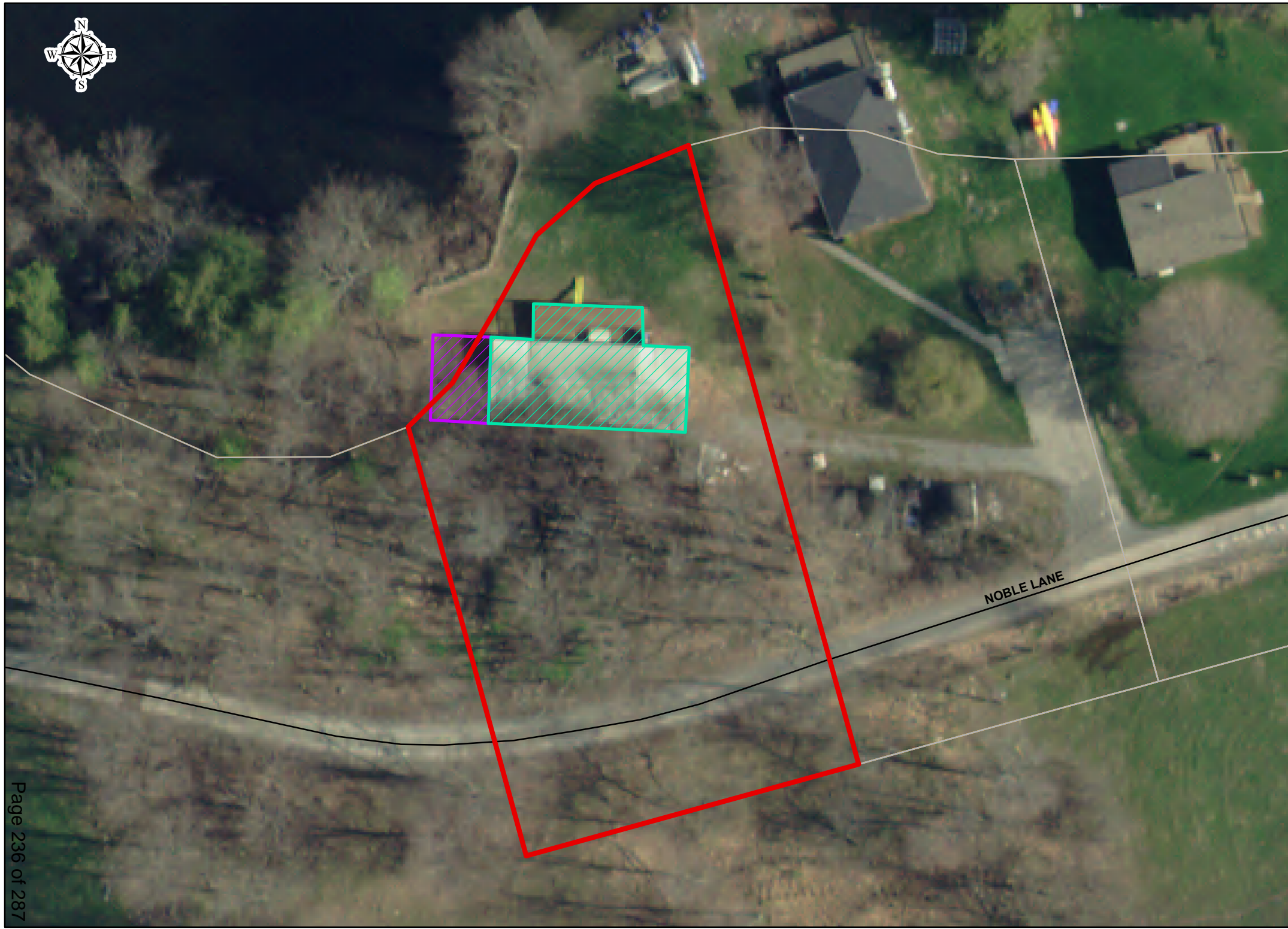


**KUBES-SAKELL  
MV-28-18-S**

**4725 NOBLE LANE**

**Legend**

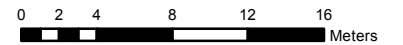
-  Kubes-Sakell Property
-  Existing Structure
-  Proposed Addition



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 1:400



UTM Projection NAD 83



**TOWNSHIP OF SOUTH FRONTENAC  
APPLICATION FOR MINOR VARIANCE OR PERMISSION**

The Committee of Adjustment is a Committee of eight persons appointed by Township Council. The Committee is formed under Section 45 of the Planning Act R.S.O. 1990, Chapter P.13, to authorize a minor variance from a zoning by-law.

**The Committee may vary Zoning By-law provisions provided the Committee is of the opinion that the variance:**

- Is desirable for the appropriate development or use of the land, building or structure
- Maintains the general intent and purpose of the Official Plan.
- Maintains the general intent and purpose of the Zoning By-law.
- Is minor in nature

**Application Requirements**

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE of \$747.00** (\$662.00 application fee plus \$85.00 Building Department consultation fee) in cash, debit or by cheque made payable to the Township of South Frontenac.
2. It is required that a Fee be provided for the Health Unit and Conservation Authority (where applicable) when submitting an application (Separate cheques, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application).

Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit <i>Minor Variance Only</i> <i>Minor Variance WITH Performance Review</i>	\$450 \$700
Cataraqui Region Conservation Authority	\$305
Quinte Conservation Authority ( <i>will invoice directly</i> )	\$325
Rideau Valley Conservation Authority <i>Standard (additions &amp; other minor works)</i> <i>Major and/or new construction</i>	\$360 \$500

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**3. PLEASE READ THIS ITEM CAREFULLY**

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in Question 29 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Minor Variance Application by the Committee of Adjustment. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A guide to answering the application questions is attached.

**4. Collection of Personal Information**

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 376-3027 ext.2221).

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Nov. 9/18

File No: MV-28-18-5

1. Name of Owner(s): PAUL KUBES, ANASTASIA SAKELL-KUBES MAUREEN SAKEL

Full Mailing Address of Owner(s):



Phone number of Owner(s):



Email Address of Owner(s):



2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent:

SAME AS ABOVE

Full Mailing Address of Authorized Agent:

Phone number of Authorized Agent:

Email Address of Authorized Agent:

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s)

3. The description of the subject land:

District:

Bedford

Portland

Loughborough

Storrington

Concession Number:

9 Storrington FR491823

Lot Number:

Lot 7

Street Number:

4725

Name of Road/Street:

Noble Lane

Reference Plan Number:

13R-12217

Part Number(s):

1+2

Roll Number:

1029-060-050-05500

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 129 feet      Frontage (on road/lane): 100 feet  
Depth: 157 feet      Area: 16447.24 square feet

5. The current zoning of the subject land:

RESIDENTIAL CURRENT ZONING

6. The nature and extent of the relief from the Zoning By-law:

BUILDING WITHIN 30 METER SETBACK  
(12-15 meters from water-front)

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

BUILDING A ONE ROOM & CLOSET NURSERY THAT NEEDS  
TO BE CONNECTED TO THE EXISTING PARENT BEDROOM (Further  
explanation attached in a note). HOUSE IS 12-15 METERS FROM WATER.

8. Does the subject property front on a municipally maintained road?     Yes     No  
OR a privately maintained road?     Yes     No

Name of Road/Lane:

NOBLE LANE

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

SEASONAL COTTAGE (USED IN JULY AND AUGUST), NOT  
WINTERIZED

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (i.e. residence, garage, shed, etc.)

Yes     No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

12. If the answer to item 11 is yes, for EACH building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	COTTAGE (RESIDENCE)	SHED	DECK	
Setback from Front Lot Line	40 feet	100 feet	35 feet	
Setback from Rear Lot Line	86 feet	70 feet	106 feet	
Setback from Side Lot Line	27 feet <del>28</del> feet	20 feet	34 feet 42 feet	
Height of Building (Also indicate if it is one story or two story)	12 feet ONE STORY	9 feet	4 feet	
Dimensions of Floor Area	20x44 feet	8x8	5x23 feet	
Setback from High Water Mark (If applicable)	40 feet	100 feet	35 feet	

13. The proposed uses of the subject land:

NURSERY/BEDROOM EXPECTING TRIPLETS IN MARCH

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	BEDROOM RESIDENCE EXTENSION TO COTTAGE			
Setback from Front Lot Line	40 feet			
Setback from Rear Lot Line	86 feet			
Setback from Side Lot Line	12 feet			
Height of Building (Also indicate if it is one story or two story)	12 feet ONE STOREY			
Outside Dimensions of Building/Structure	16 x 20			
Setback from High Water Mark (If applicable)	40 feet			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?  Yes  No

If yes, please provide details:

---

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

---

18. What are the uses of the proposed development?

- |     |  |   |  |
|-----|--|---|--|
| (a) | Increase in number of bedrooms   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| (b) | Increase in plumbing fixtures  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (c) | Increase in living space   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

19. The date the subject land was acquired by the current owner:

NOVEMBER 16/2004

20. The date the existing buildings and structures were constructed on the subject lands:

1960

21. The length of time that the existing uses of the subject land have continued:

58 years

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

PRIVATELY OWNED WELL

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

PRIVATE SEPTIC SYSTEM

24. Is storm drainage provided by sewers, ditches, swales or by other means?

No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

N/A

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No      NOT TO MY KNOWLEDGE. SINCE I HAVE OWNED COTTAGE NO.

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

N/A

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.



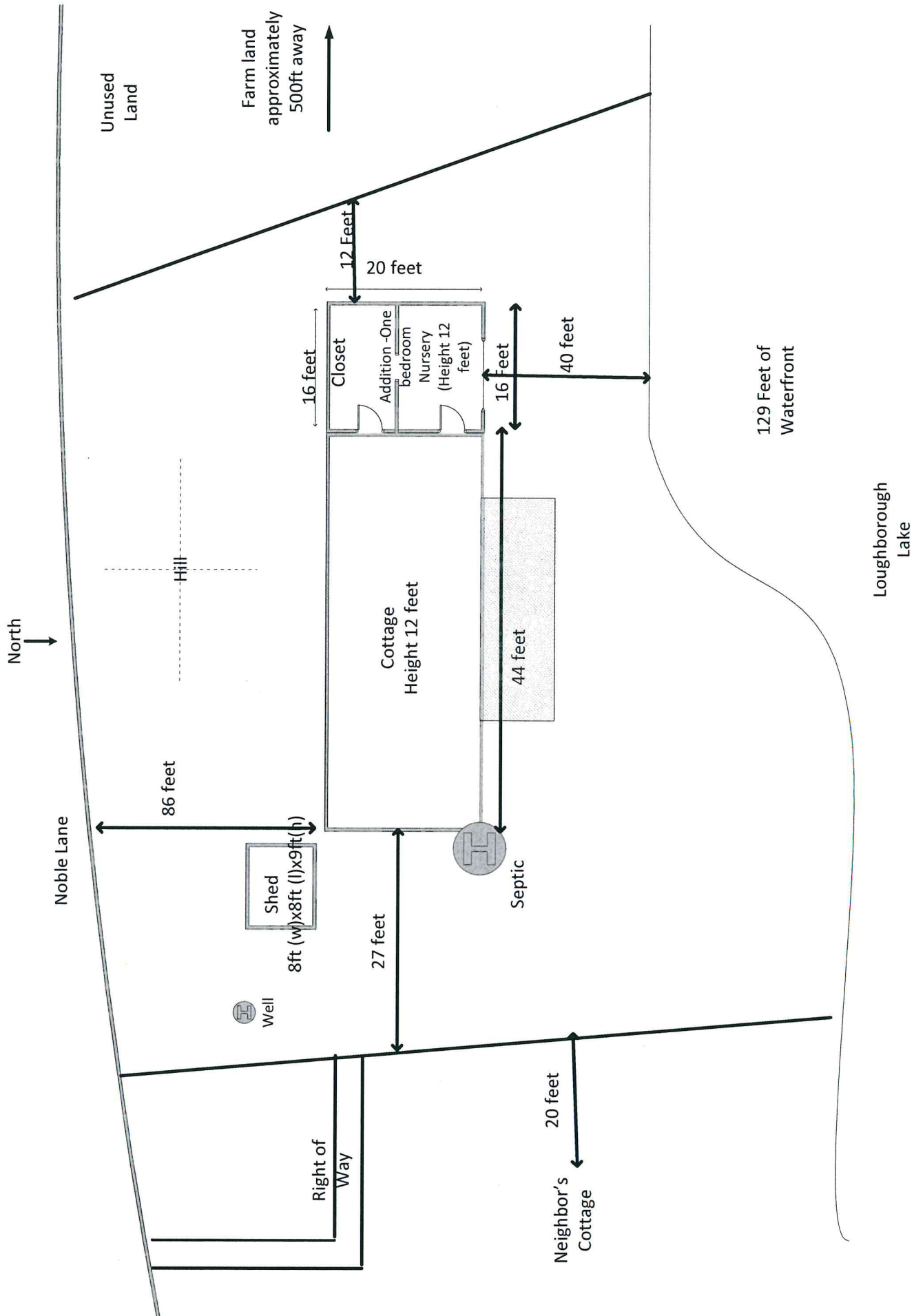
Note of Clarification:

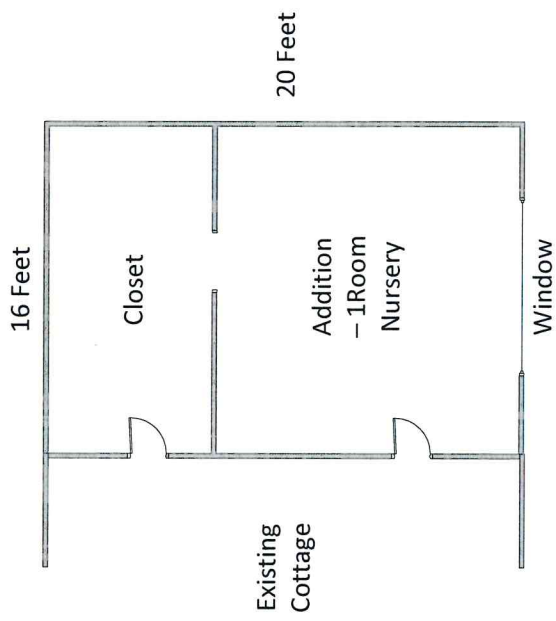
We would like to build a small addition (16x20feet) to our bedroom so we can have a nursery for our three babies we are expecting. Megan Rueckwald was kind enough to highlight a few issues that she felt I should try to address in a note regarding the fact that I literally have no options to build elsewhere on my property. First, I am unable to build to the back of the cottage due to a steep rocky area with huge trees. Therefore, the only spot I can possibly extend into is to the left of the cottage. This puts it at the furthest point away from the septic bed and the well. No plumbing will be done. It does not encroach further on the high waterline than what is already there. The other option is to try and build a second story, however, the cottage was build in the 1960s and was never meant to have a second story. I have been told it would not be sufficiently sound structurally to bare the weight of a second story. Furthermore, having the babies a floor above us is a non-starter especially since they will only be a few months old. We only hope to use the cottage in July and August. Thank you for your attention to this matter and I look forward to hearing from you.

Sincerely Yours,



Paul Kubes





TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: NOV-9-18

File No: MV-29-18-L

1. Name of Owner(s): D'ARCY SMIDER

Full Mailing Address of Owner(s): [REDACTED]

[REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): /

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: JEFF ROSS

Full Mailing Address of Authorized Agent: [REDACTED]

[REDACTED]

Phone number of Authorized Agent: [REDACTED]

Email Address of Authorized Agent: [REDACTED]

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

[REDACTED]  
Signature(s) of Owner(s): [REDACTED]

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 4 Lot Number: 4

Street Number: 2869 Name of Road/Street: RUTLEDGE RD

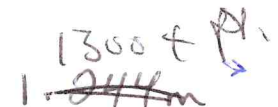
Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_

Roll Number: 102 904 001 00 9900

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): \_\_\_\_\_

Frontage (on road/lane): 1300 ft ~~1.244m~~ 

Depth: 304 m

Area: 413,224 m<sup>2</sup>

5. The current zoning of the subject land:

FARM WITH RESIDENCE LR

6. The nature and extent of the relief from the Zoning By-law:

DEFICIENT IN AREA AND FRONTAGE

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

DEFICIENT IN AREA AND FRONTAGE - CAN'T MAKE <sup>FRONTAGE</sup> ANY BIGGER

8. Does the subject property front on a municipally maintained road?  Yes  No  
OR a privately maintained road?  Yes  No

Name of Road/Lane:

RUTLEDGE

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

\_\_\_\_\_  
\_\_\_\_\_

10. What are the existing uses of the subject land?

residential

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes  No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

12. If the answer to item 11 is yes, for EACH building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	RESIDENCE	SHED		
Setback from Front Lot Line	15' - m			
Setback from Rear Lot Line				
Setback from Side Lot Line	8' - m			
Height of Building (Also indicate if it is one story or two story)				
Dimensions of Floor Area				
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

RESIDENTIAL

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)				
Outside Dimensions of Building/Structure				
Setback from High Water Mark (If applicable)				

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?     Yes     No

If yes, please provide details:

---

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

---

18. What are the uses of the proposed development?

- |     |  |                              |  |
|-----|--|------------------------------|--|
| (a) | Increase in number of bedrooms   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) | Increase in plumbing fixtures  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) | Increase in living space   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

19. The date the subject land was acquired by the current owner:

100+ YEARS - GENERATIONAL

20. The date the existing buildings and structures were constructed on the subject lands:

100+ YEARS - ADDITION 1986 (RENOVATION)

21. The length of time that the existing uses of the subject land have continued:

100+ YEARS FARM WITH RESIDENCE

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

PRIVATE WELL - PAYING FOR CITY WATER

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

SEPTIC SYSTEM

24. Is storm drainage provided by sewers, ditches, swales or by other means?

SEWERS

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$747.00 representing payment of the application fee.

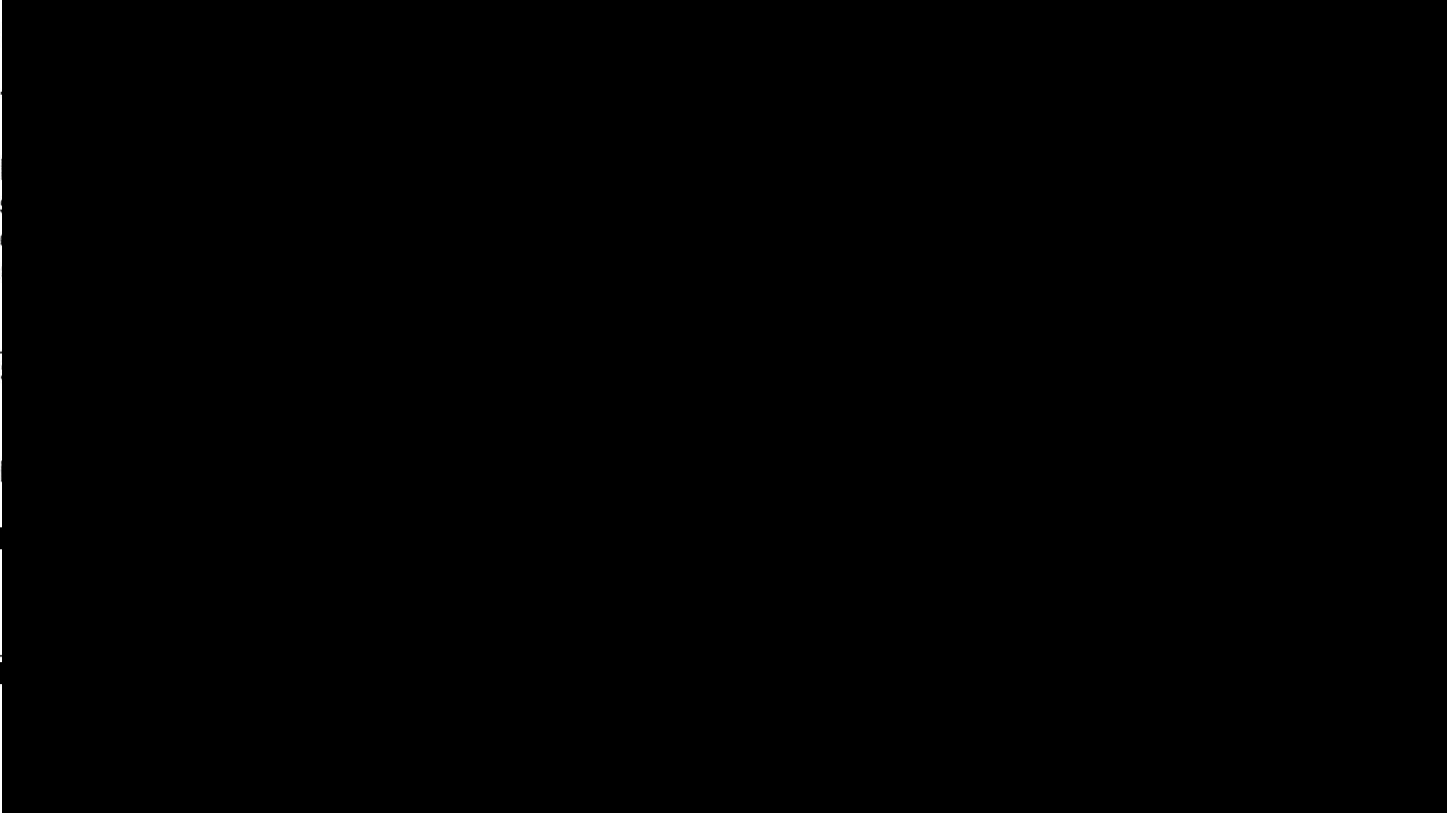
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the *Ontario Municipal Board*, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:





**SNIDER  
S-22-17-L**

**Legend**

-  Snider property
-  Existing Buildings
-  Snider proposed lot
-  Parcel Fabric

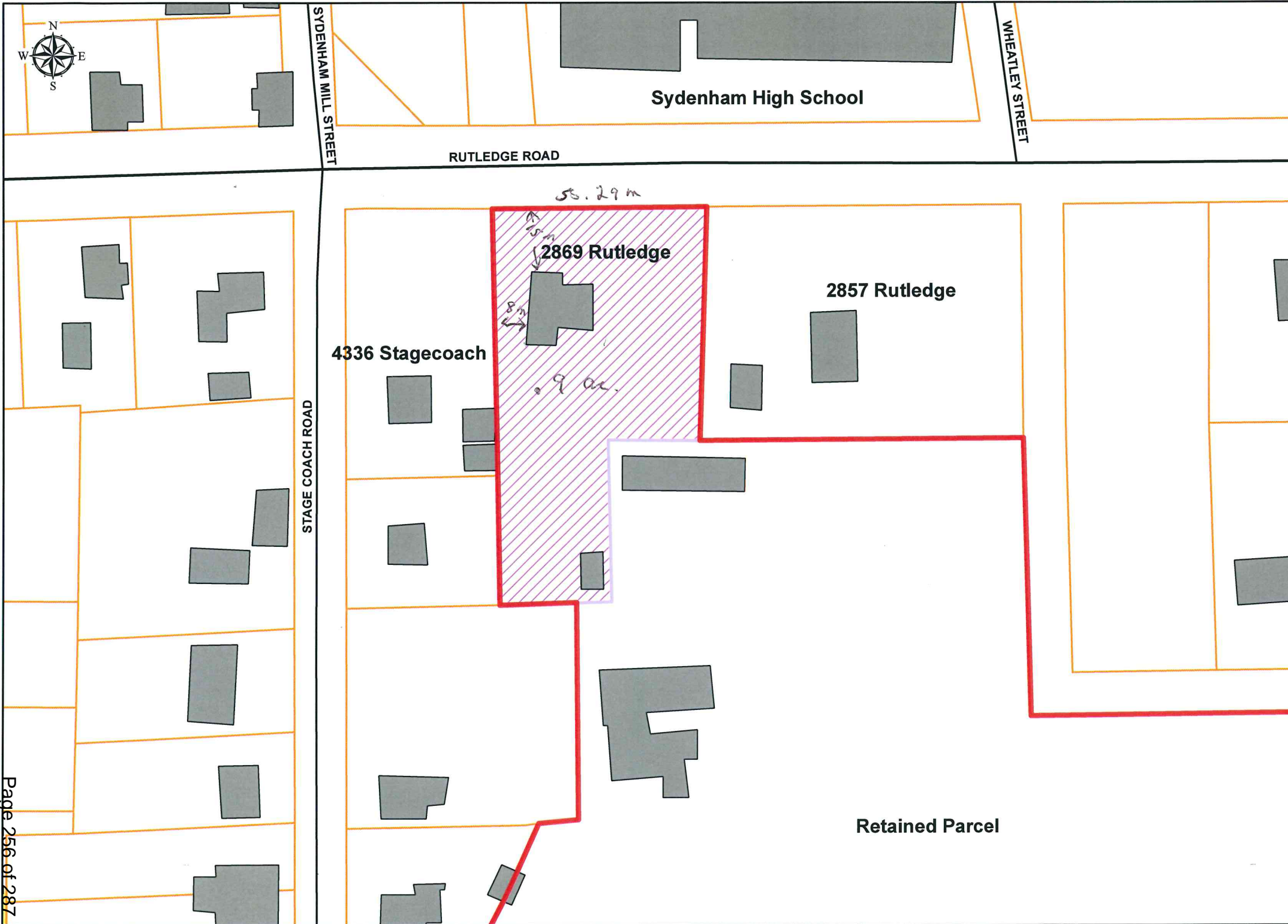
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

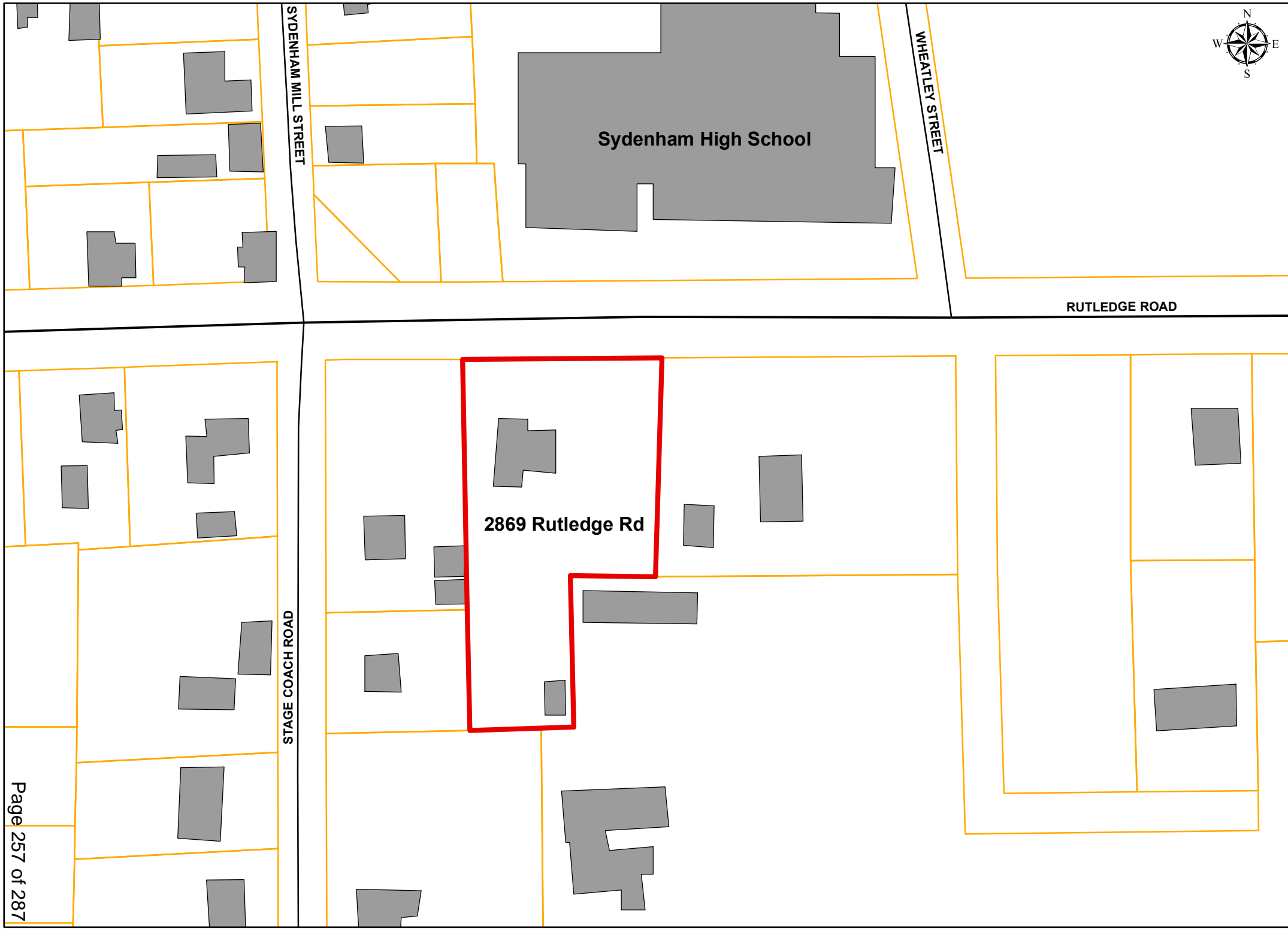
While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:1,065



UTM Projection NAD 83





**SNIDER  
2869 RUTLEDGE RD**

**MV-29-18-L**

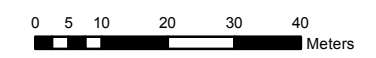
**Legend**

- Snider Property
- Existing Buildings
- Parcel Fabric

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

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

Scale 1:1,140



UTM Projection NAD 83



Sydenham High School

2869 Rutledge Rd

RUTLEDGE ROAD

SYDENHAM MILL STREET

WHEATLEY STREET

STAGE COACH ROAD



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** December 9, 2018 (Minor amendments December 12, 2018)

**Application No:** MV-30-18-B

**Owner:** Molnar (Agent: Molnar)

**Location of Property:** Part Lot 12, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 59 West Shore Lane

**Purpose of Application:** To vary Section 5.8.2 a and Section 10.3 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres to 22 metres to permit an addition to an existing dwelling and 19.2 metres to increase the size of a deck within the setback of White Lake. The applicants are also seeking relief to Section 10.3 to permit the maximum lot coverage from 5% to 9.3%.

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

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **approve** minor variance application MV-30-18-B.

### Proposal

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

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

Minor variance is required to construct the addition and decking:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.  
Requested variance from this section:
  - a. Proposed deck: 19.2 metres from the highwater mark of White Lake (variance request of 10.8 metres)
  - b. Proposed dwelling: 22 metres from the highwater mark of White Lake (variance request of 8 metres)
  
2. Section 10.3: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned Limited Service Waterfront Residential:  
Requested variance from this section:
  - a. Proposed deck: 19.2 metres from the highwater mark of White Lake (variance request of 10.8 metres)
  - b. Proposed dwelling: 22 metres from the highwater mark of White Lake (variance request of 8 metres)



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



3. Section 10.3: Lot coverage maximum for the principal building is 5%.

Requested variance from this section:

a. Proposed construction of deck and dwelling: 9.3% (variance request of 4.3%)

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 undersized when compared to the provisions in the current Zoning Bylaw with an area of 0.44 acres and 100 feet of frontage along White Lake. The topography of the lot is gently sloping towards the waterfront, with cleared area for the private road behind the dwelling. The configuration of the waterfront results in a reduced setback to the proposed construction due to an inlet along the shoreline. Large trees are planted along the shoreline that buffer the cottage from the waterfront.

The surrounding area contains similar smaller lots developed along West Shore Lane, some of which contain structures that are located closer to the waterfront than the subject property.

## Planning Analysis

### Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. When assessing development 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 limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

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. Quinte Conservation reviewed the application within the context of Section 2.1 Natural Heritage policies and are satisfied that the application as presented is consistent with the natural heritage policies of the PPS. This was provided in comments dated November 28, 2018.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Quinte Conservation staff are satisfied that there is sufficient area for development outside of the flood hazard and have inspected the subject lands to confirm that the application as presented is consistent with Section 3.1 of the PPS. Planning staff have confirmed that there are no man-made hazards within the subject lands.

Current Official Plan Designation: Rural and Environmental Protection

The property is designated as Rural and Environmental Protection 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 5.7.7 Rural Limited Service Residential Policies permit rural residential uses as permitted



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



uses within the designation in addition to seasonal uses. KFL&A Public Health have completed a site visit to confirm that the existing system can service the proposed addition. The Official Plan mapping designates property along West Shore Lane as Environmental Protection. Quinte Conservation, in correspondence dated November 28, 2018 identified White Lake as the only feature on the subject property. Planning staff did not note any additional watercourses or wetlands on the subject property when completing a site visit on December 3, 2018.

Current Zoning: Limited Service Waterfront Residential (RLSW)

The property is zoned Limited Service Waterfront Residential in the Township of South Frontenac Zoning Bylaw. The intent of the LSWR zone is to permit development with uses restricted to those that are compatible to the waterfront and location along a private road. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures; this is stated in the zone regulations as well as the general provisions. The applicant is proposing to construct an addition to the existing dwelling and expand the decking along the front and side of the cottage; the proposal is to create a more accessible dwelling to accommodate including a new entrance, improved main floor bathroom, and expanded bedroom.

The applicant is proposing to expand the decking to make the deck wide enough to accommodate accessible devices. Although planning staff do not typically support any further reduction of the waterbody setback, in this case the proposed deck extension of 2 feet closer to the water will facilitate easier access along the deck to access the dwelling. No trees will be required to be removed to facilitate the additional decking.

With regards to lot coverage, planning staff note that the area to be covered does contain existing stairs and is already disturbed; no additional trees will be removed to accommodate the addition. When considering if the application is minor, it is important to remember that this is not a quantitative analysis, but instead the impact of the proposed development. With this application, Quinte have noted that they have no objection with regards to Section 2 of the Provincial Policy Statement which speak to natural heritage and water. As such, planning staff are supportive of the increased lot coverage. Planning staff also note, that any further expansion of the structure would require additional planning approvals in the future.

A site visit was conducted on December 3, 2018, to observe site characteristics and determine desirability of the proposed construction. The applicants were on site to describe the construction proposed.

## Agency Analysis and Comments

KFL&A Public Health – Correspondence dated November 28, 2018, indicates that KFL&A Public Health has no objection to the minor variance as the applicants have submitted a permit under B-22-18.

Quinte Conservation – In comments dated November 28, 2018, Quinte staff have no objection to the application. Quinte Conservation reviewed the application for natural hazard and natural heritage features of the PPS, as well as Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) and Quinte Region Source Protection Plan. Quinte Conservation reviewed the application within the context of the waterbody setback and proposed lot coverage.

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 an addition, reconstruct the foundation (including the increased depth of the crawl space) and expansion of decking at Part Lot 12, Concession 3, District of Bedford, 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 consistent with the 2014 Provincial Policy Statement including Section 2.1 Natural Heritage which then meets the intent of the Official Plan. The proposed



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



construction will create an accessible dwelling, with the addition being offset to the side of the existing dwelling.

- The variance conforms to the general intent and purpose of the Zoning Bylaw as the addition to the cottage seeks to maximize the waterbody setback while also recognizing the configuration of the shoreline. The majority of the deck extension will be located so that the setback is not being further reduced than the closest point of the existing corner of the deck. With regards to lot coverage, the proposal will add for additional access to the dwelling while not increase the number of fixture or living space; further the addition will be located on an area already disturbed.
- The variance is desirable for the appropriate development of the lands in question as the construction is supported by Quinte Conservation who have reviewed the application with regards to Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under the Planning Act. The reduction in the waterbody setback is to the side of the existing dwelling in an area already disturbed, while the majority of the decking is located where the waterbody setback is greatest.
- The variance is minor as the proposed construction is not anticipated to impact the character of the waterfront and seeks to maximize the addition while recognizing the location of the septic system shoreline configuration. White Lake is not identified as an at capacity lake and the proposed construction of the deck will primarily be located along the widest point of the setback.

### **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 addition setback a minimum of 22 metres from the highwater mark of White Lake and 19.2 metres for the reconstruction and enlargement of the deck. The proposed addition shall be no larger than 10 feet by 26 feet and is to run along the north side of the dwelling as per the plans submitted. The decking shall extend no further than 10 feet along the front of the dwelling and 4 feet along the side as per the sketch submitted. The crawl space shall be for average height no greater than 5'11".
2. Minor variance MV-30-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

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

### **Attachments**







Map of the Molnar property.



**MULNAR  
MV-30-18-B**

**59 WEST SHORE LANE**

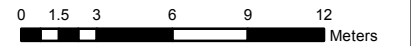
### Legend

-  Existing Structure
-  Existing Deck
-  Proposed Structure
-  Addition
-  Proposed Deck Extensions
-  Molnar Property

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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.

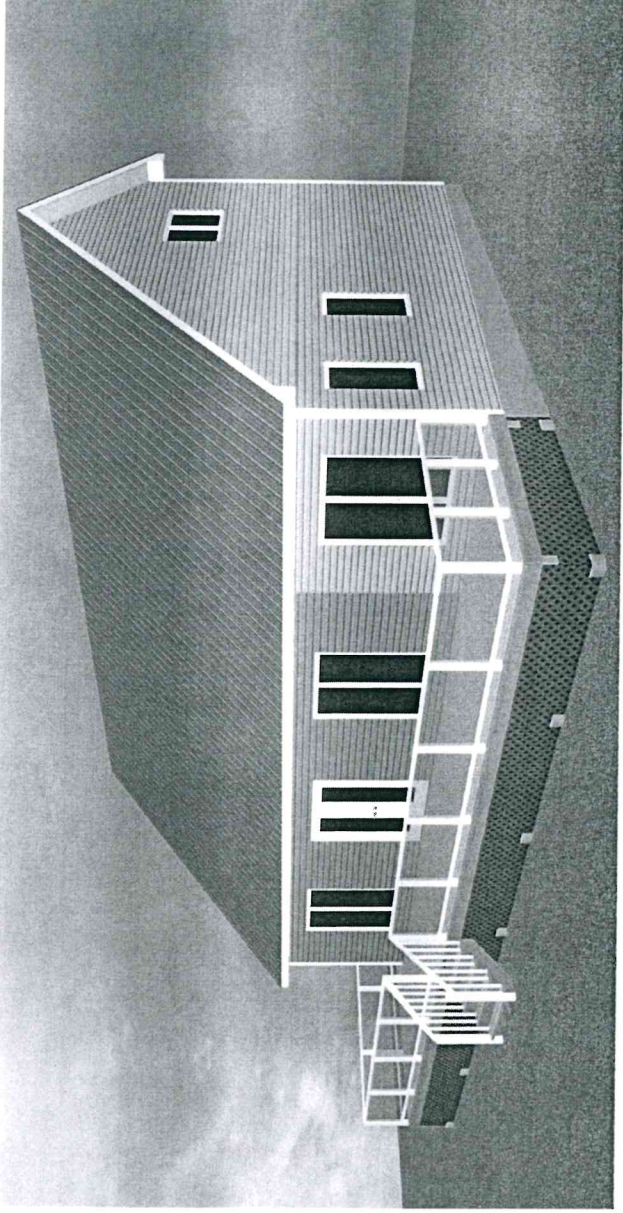
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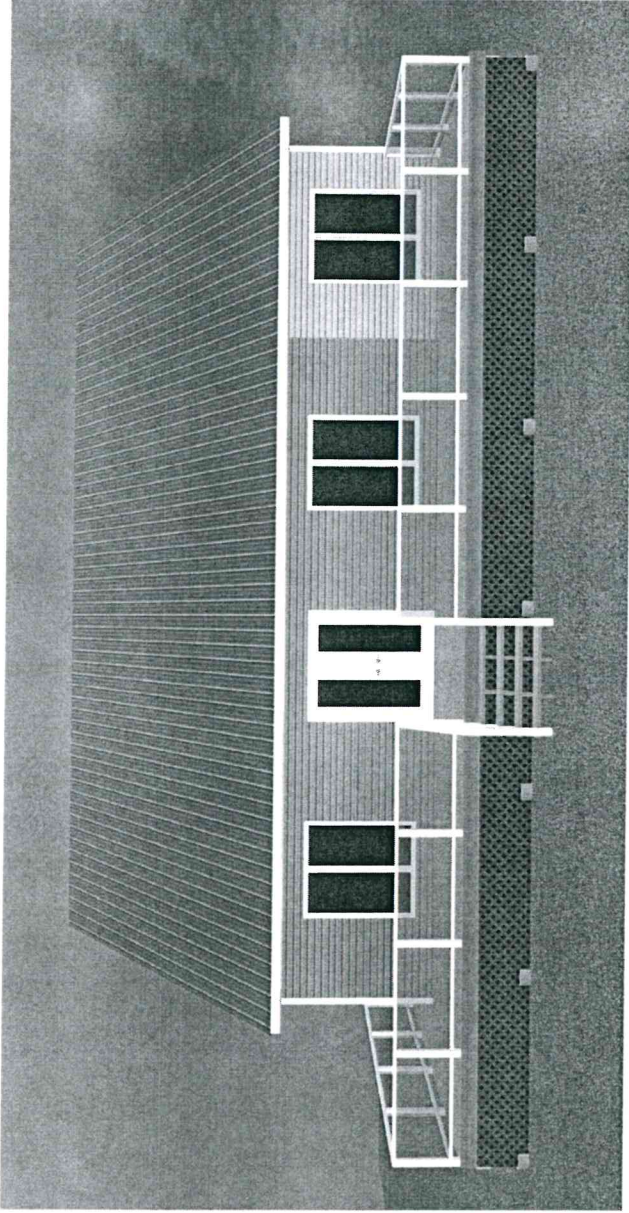
UTM Projection NAD 83

WEST SHORE LANE

59 West Shore Ln



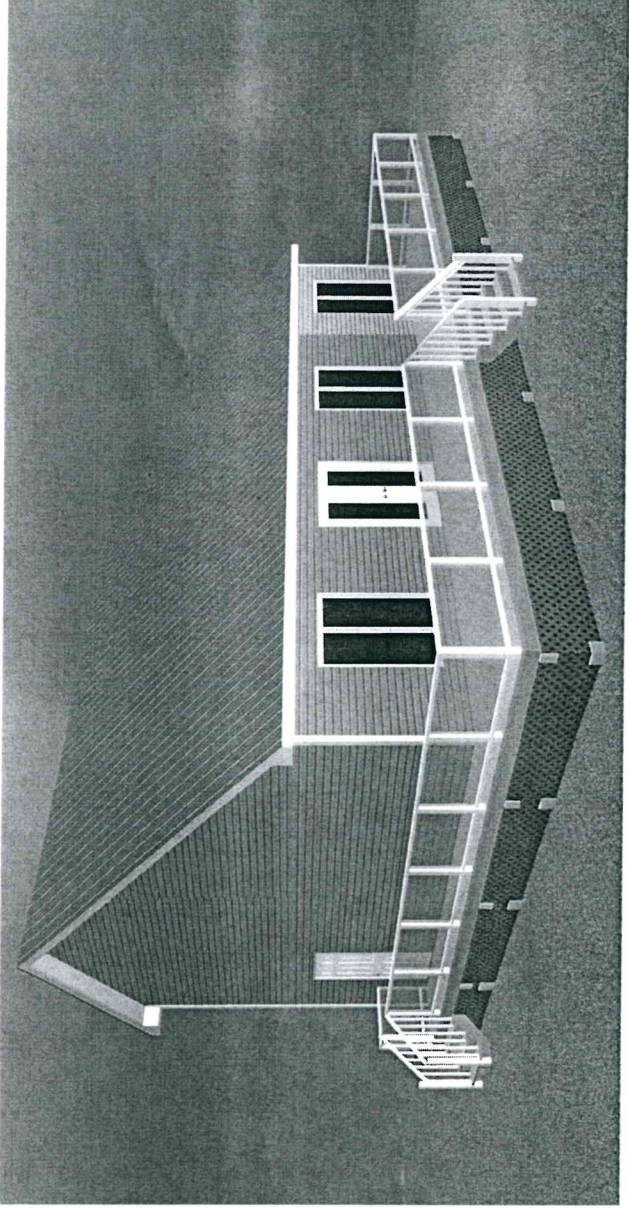
View from NE



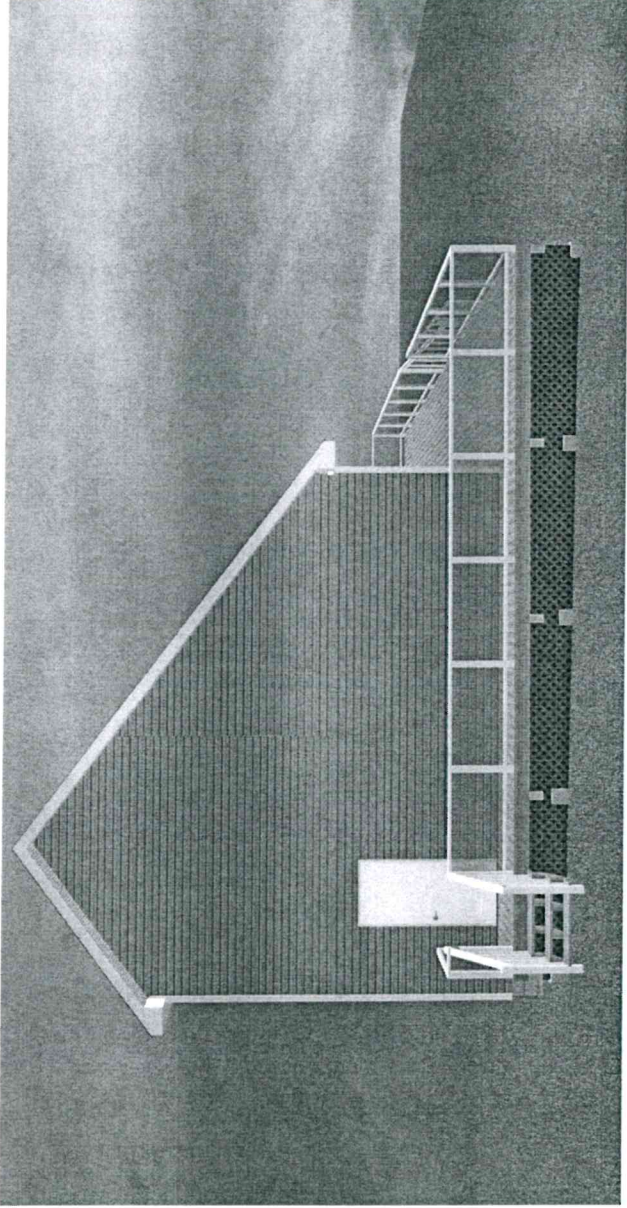
View from East (side towards lake)

Proposed addition (lighter shading) onto existing structure

59 West Shore Ln



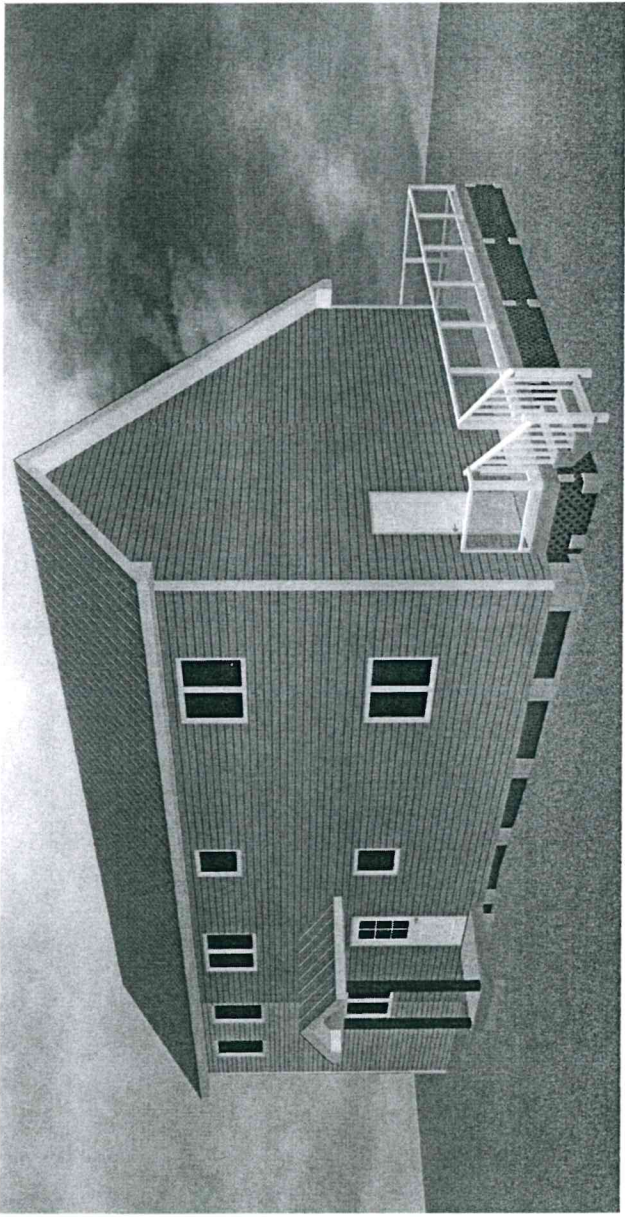
View from SE



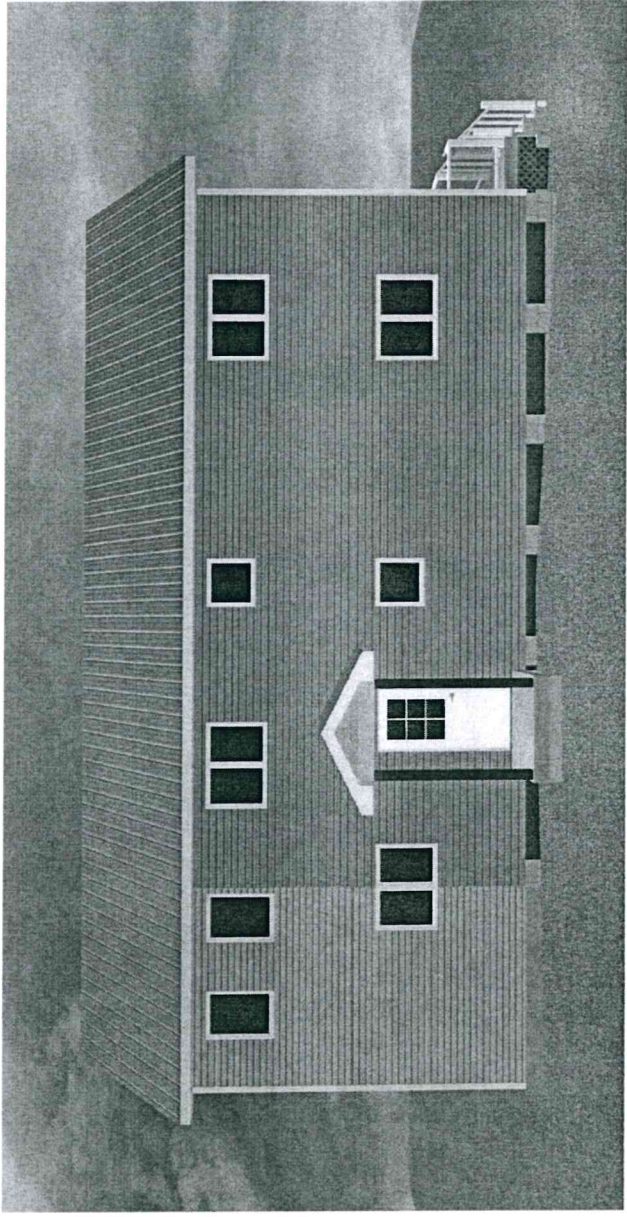
View from South

Proposed addition (lighter shading) onto existing structure

59 West Shore Ln



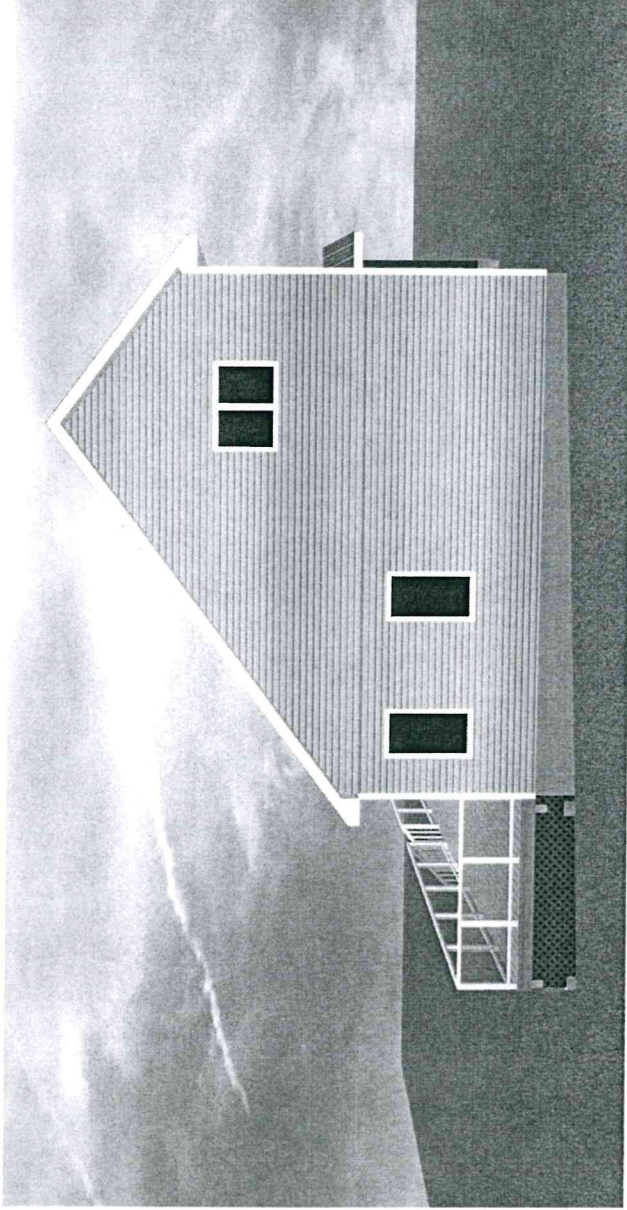
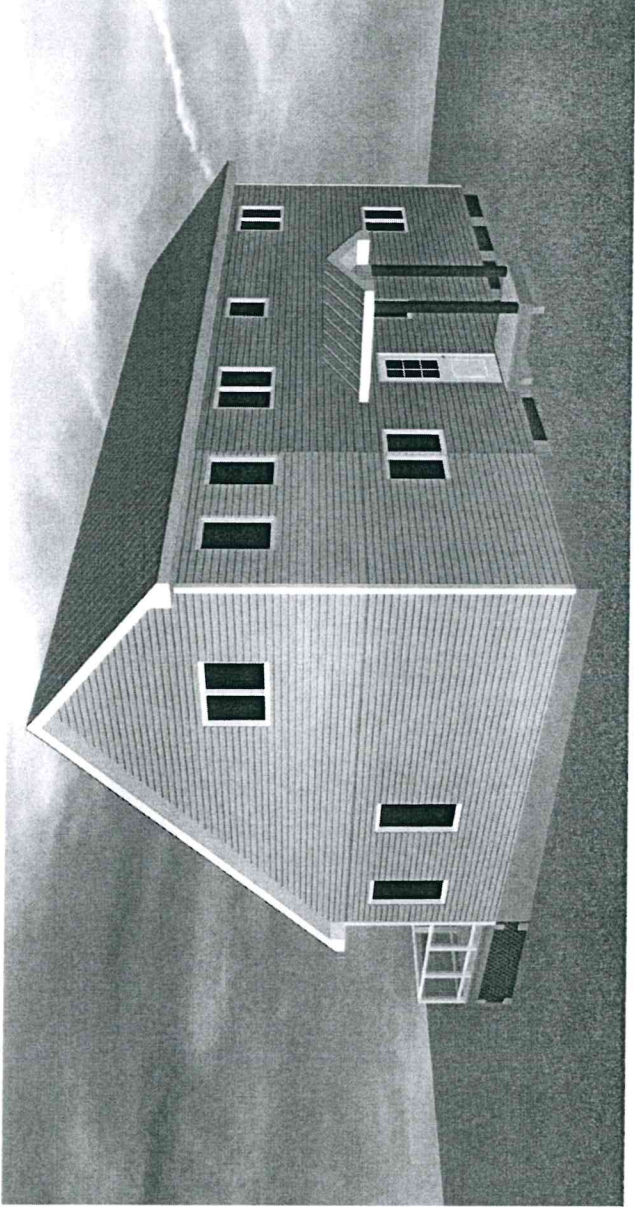
View from SW



View from West

Proposed addition (lighter shading) onto existing structure

59 West Shore Ln



Proposed addition (lighter shading) onto existing structure

## QUINTE CONSERVATION - PLANNING ACT REVIEW

**QC File No. PL0274-2018**

<b>Municipality:</b>	Township of South Frontenac		
<b>Owner/Agent:</b>	Dorothy Molnar/Ferenc (Frank) Molnar		
<b>Location:</b>	59 West Shore Lane	Part Lot 12, Concession 3	Bedford
<b>Roll #:</b>	1029-020-040-17801-00000		
<b>Application Description:</b>	Minor Variance Application File No. MV-30-18-B	Reduce waterbody setback from 30 metres to 19.24 to permit an increase in the size of deck, and from 30 metres to 22.3 metres to permit increase in size of residence, and to allow for an increase in the lot coverage of the principal building from 5% to 9.3%	
<b>Feature:</b>	White Lake		
<b>Comments:</b>	<p><b><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></b></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands.</p> <p><u>QC staff have inspected the subject lands and are satisfied that the application as presented is consistent with section 3.1 of the PSS as there is sufficient area for development outside the flood hazard.</u></p> <p><b><u>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses</u></b></p> <p>The subject lands lie within the regulated area of White Lake. <u>Please note that the owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 30 metres of the 1:100 year floodplain of White Lake.</u></p> <p><b><u>Quinte Region Source Protection Plan</u></b></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> to the subject property as it lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system.</p> <p><u>As such no Section 59 Clearance Notice is required.</u></p> <p><b><u>Planning Act - Natural Heritage policies of the Provincial Policy Statement</u></b></p> <p>Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects</p>		

	<p>features such as; Provincially significant wetlands, significant woodlands and significant areas of natural and scientific interest.</p> <p><u>Staff are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement.</u></p>
<p><b>Final Comments:</b></p>	<p>Quinte Conservation has no objection to the application as presented.</p>



\_\_\_\_\_  
 Sam Carney  
 Planning and Regulations Technician

November 28, 2018

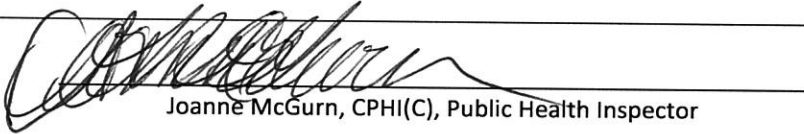
\_\_\_\_\_  
 Date



**KFL&A**  
Public Health

**REQUESTS FOR COMMENTS**

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

<b>To:</b>	Ms. Megan Rueckwald Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON 2T0
<b>Application Number:</b>	MV-30-18B
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Molnar, Dorothy
<b>Location:</b>	Lot 12, Concession 3, Bedford 59 West Shore Lane
<b>Planning Department or Agency:</b>	Township of South Frontenac (Bedford)
<b>Comments:</b>	KFL&A Public Health has no objections to the minor variance as the owners had submitted an application under permit number BE-22-18.
<b>Inspector:</b>	 Joanne McGurn, CPHI(C), Public Health Inspector
<b>Date:</b>	November 28, 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.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Nov. 7/18

File No: MU-30-18-13

1. Name of Owner(s): DOROTHY MOLNAR

Full Mailing Address of Owner(s): [REDACTED]

[REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): \_\_\_\_\_

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: FERENC (FRANK) MOLNAR

Full Mailing Address of Authorized Agent: [REDACTED]

[REDACTED]

Phone number of Authorized Agent: [REDACTED]

Email Address of Authorized Agent: [REDACTED]

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

[REDACTED]

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 3 Lot Number: 12

Street Number: 59 Name of Road/Street: WEST SHORE LN

Reference Plan Number: RP 13R 15051 Part Number(s): 1, 2, 3

Roll Number: 1029-020-040-17801-0006

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 100 FT Frontage (on road/lane): 78 FT

Depth: 262 FT Area: 0.41 ACRE

5. The current zoning of the subject land:

RLSW

6. The nature and extent of the relief from the Zoning By-law:

RLSW: ADDITION PLACES LOT COVERAGE ABOVE 5%. SETBACK FROM WATER LESS THAN 98.4 FT.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

WISH TO MAKE HOUSE INTERIOR/EXTERIOR ACCESSIBLE, INCLUDING NEW ACCESSIBLE ENTRANCE. CAN ONLY EXPAND NORTHWARD, PARALLEL TO LAKE. DECKING MUST BE REMOVED TO BUILD NEW FOUNDATION. WISH TO REPLACE OLD DECK WITH ACCESSIBLE DECK.

8. Does the subject property front on a municipally maintained road?  Yes  No  
OR a privately maintained road?  Yes  No

Name of Road/Lane:

WEST SHORE LANE

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

YEAR ROUND RESIDENCE

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes  No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

12. If the answer to item 11 is yes, for EACH building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	RESIDENCE	DECK	CAR PORT/ SHEB	
Setback from Front Lot Line	76' 4" (SHORELINE)	67' 6"	216'	
Setback from Rear Lot Line	126'	152'	22'	
Setback from Side Lot Line	25' 9.5" N 13' 9" S	22' 2" N 15' 4.5" S	22' N 32' S	
Height of Building (Also indicate if it is one story or two story)	2 STORY 22'	40'	13'	
Dimensions of Floor Area	26' x 36' 936 FT <sup>2</sup>	MAIN 8' x 40' WALKWAY 4' x 13.5' = 374 FT <sup>2</sup>	SHEB 24 x 12 PORT 24 x 11 = 552 FT <sup>2</sup>	
Setback from High Water Mark (If applicable)	76' 4"	67' 6"		

13. The proposed uses of the subject land:

YEAR ROUND RESIDENCE

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1) RESIDENCE	(2) DECK *	(3)	(4)
Setback from Front Lot Line	73' 11"	63' 11"		
Setback from Rear Lot Line	125'	151'		
Setback from Side Lot Line	15' 9.5" N 13' 8" S	15' 1" N 10' 5" S		
Height of Building (Also indicate if it is one story or two story)	2 STOREY 22'	7' 10" **		
Outside Dimensions of Building/Structure	10' x 26' = 260 FT <sup>2</sup>	MAIN 10' x 50' WALKWAY 21.5' x 4' = 584 FT <sup>2</sup>		
Setback from High Water Mark (If applicable)	73' 11"	63' 11"		

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?  Yes  No

If yes, please provide details:

\* TO REDO BLDG FOOTINGS, MUST REMOVE ALL CURRENT DECKING.

\*\* DECK LEVEL MAY CHANGE TO MATCH HOUSE LEVEL  
 NORTH DECK WALKWAY REMOVED; SOUTH WALKWAY ADDED TO CONNECT TO SOUTH DOOR

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details: CURRENT HOUSE IS ON 21 PIERS. HOUSE WILL BE RAISED AND NEW FOOTINGS INSTALLED WITH CRAWL SPACE (BASEMENT).

18. What are the uses of the proposed development?

- (a) Increase in number of bedrooms  Yes  No
- (b) Increase in plumbing fixtures  Yes  No
- (c) Increase in living space  Yes  No
- (d) Will the addition or structure encroach on the existing septic system?  Yes  No

19. The date the subject land was acquired by the current owner:

2011

20. The date the existing buildings and structures were constructed on the subject lands:

RESIDENCE 2000, SHED (ORIGINAL) 2002, SHED MODIFIED 2017

21. The length of time that the existing uses of the subject land have continued:

18 YEARS (SINCE 2000)

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

LAKE INTAKE

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

PRIVATE SEPTIC SYSTEM

24. Is storm drainage provided by sewers, ditches, swales or by other means?

N/A

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

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27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

ORIGINAL BUILDER APPLIED FOR VARIANCE DUE TO WATER SETBACK

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$747.00 representing payment of the application fee.

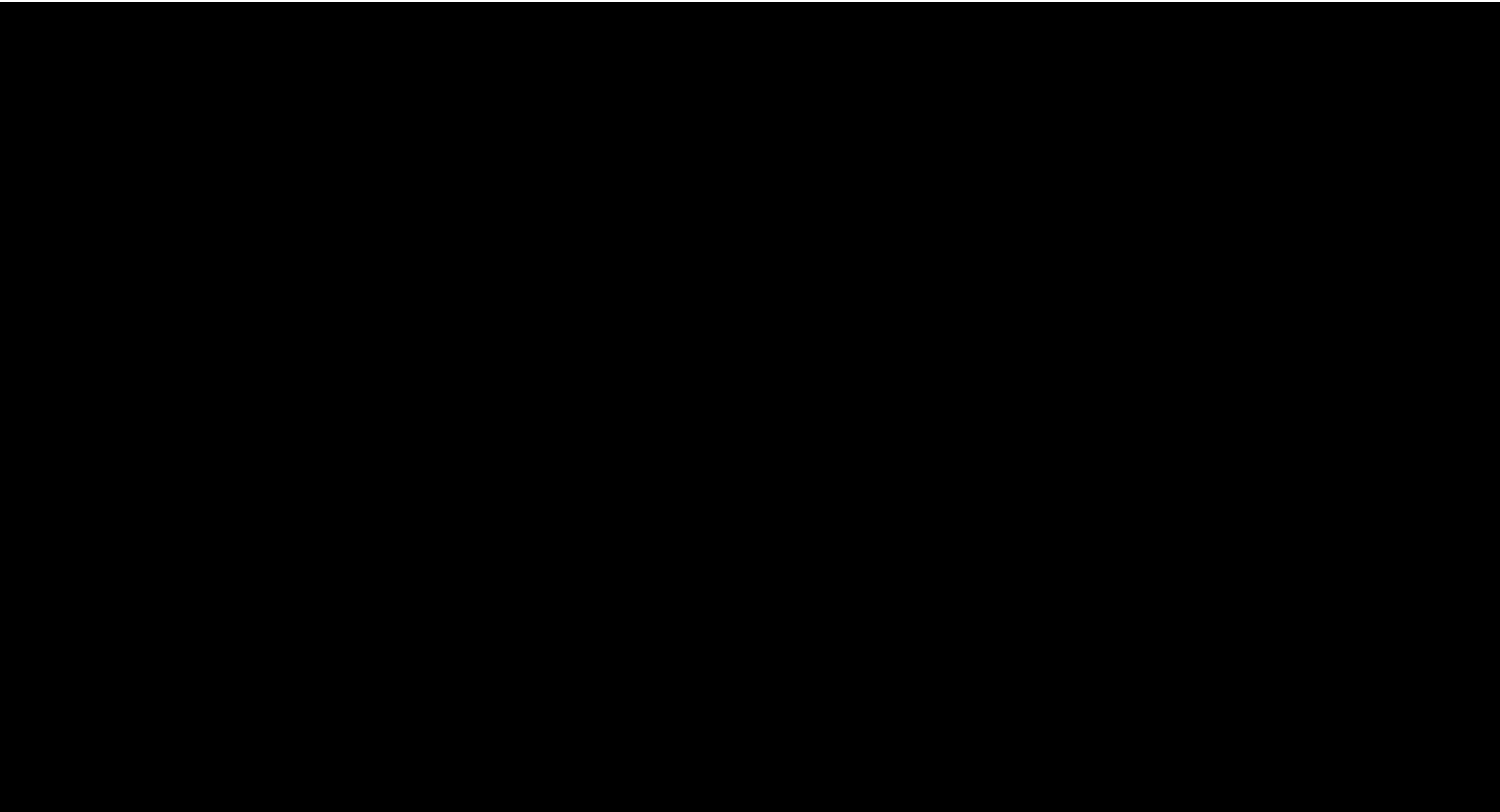
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

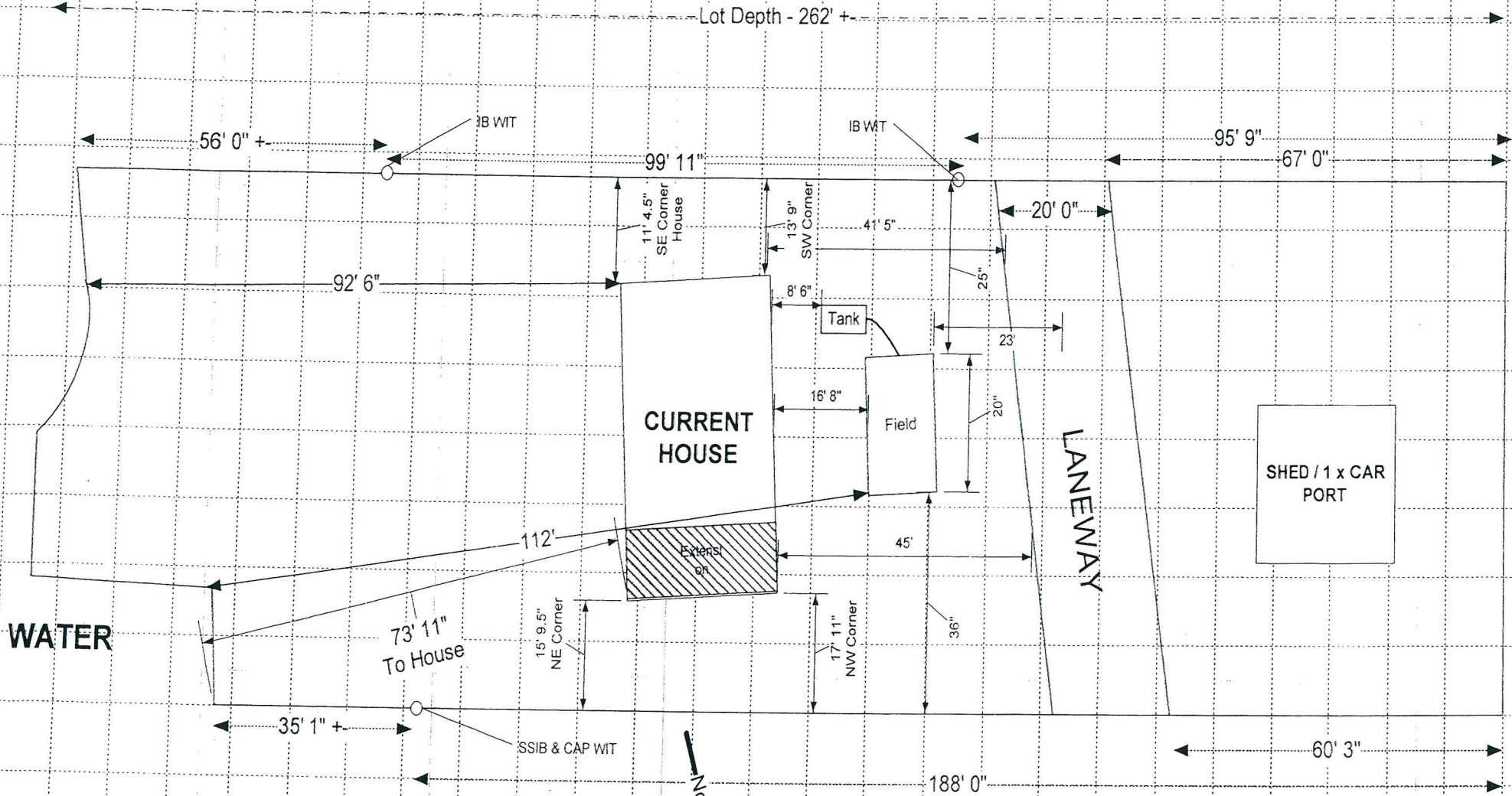
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:



59 West Shore Ln Water Setback



WATER

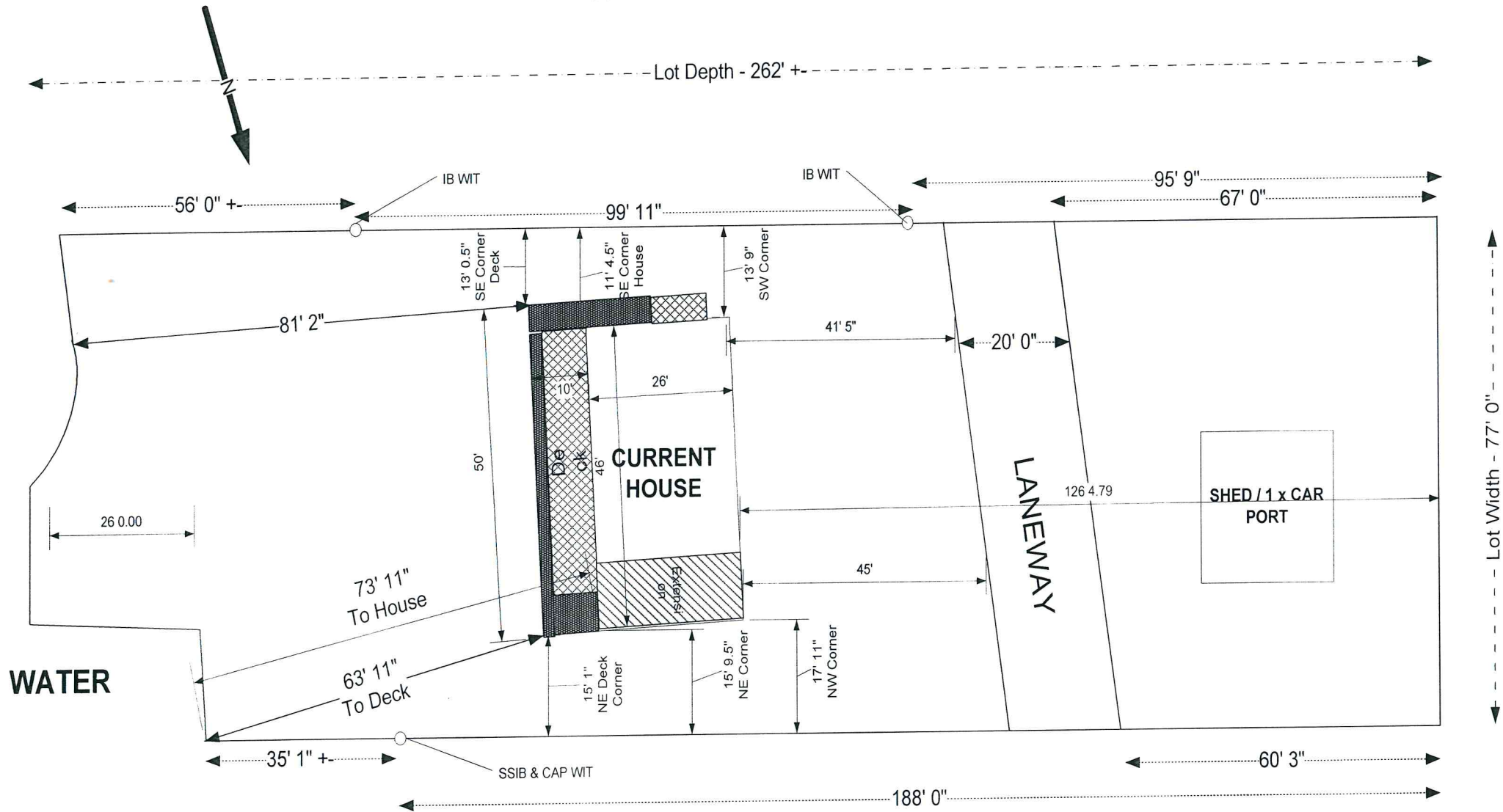
Scale: 1" = 20'

House Deck Extensions

<b>FOOTPRINT - CURRENT AND PROPOSED</b>				
<b>LOT SIZE</b>	.44 acre	equals	19166	sq ft
<b>CURRENT FOOT PRINT MEASUREMENTS</b>				
<b>STRUCTURE</b>	<b>DIMENSION (ft x ft)</b>	<b>AREA (sq ft)</b>	<b>% of LOT</b>	
Residence	26 x 36	936	4.88%	
Car Port / Shed	24 x 23	552	2.88%	
Deck	8 x 40	414	2.16%	
	4 x 13.5			
	4 x 10			
<b>TOTAL COVERAGE</b>			9.92%	
<b>PROPOSED FOOT PRINT MEASUREMENTS</b>				
<b>STRUCTURE</b>	<b>DIMENSION (ft x ft)</b>	<b>AREA (sq ft)</b>	<b>% of LOT</b>	<b>SIZE CHANGE</b>
Residence	26 x 46	1196	6.24%	27.78%
Car Port / Shed	24 x 23	552	2.88%	0.00%
Deck	10 x 50	584	3.05%	41.1%
	4 x 21.5			
<b>TOTAL COVERAGE</b>			12.17%	

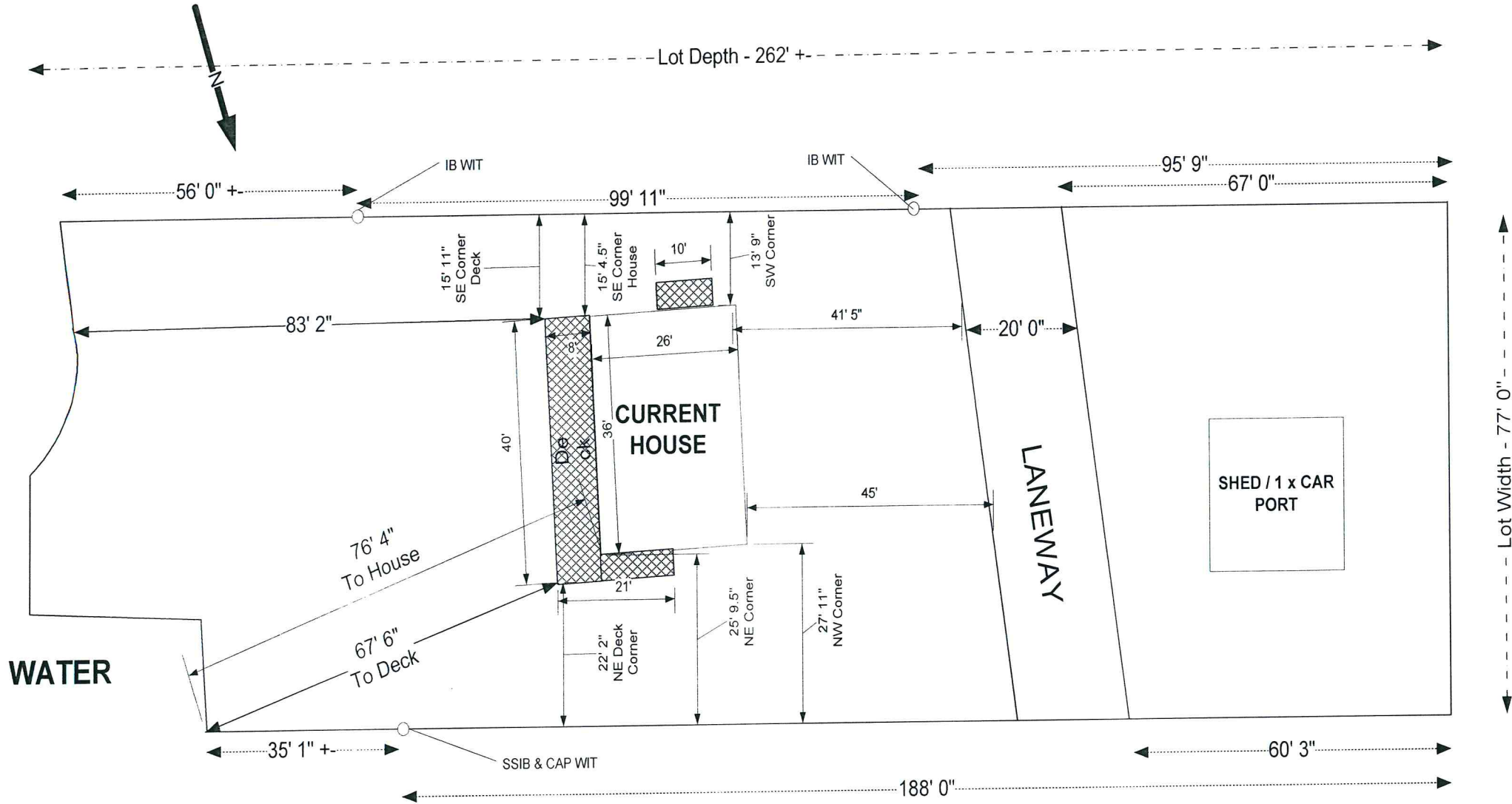
07 Nov 2018

59 West Shore Ln Water Setback



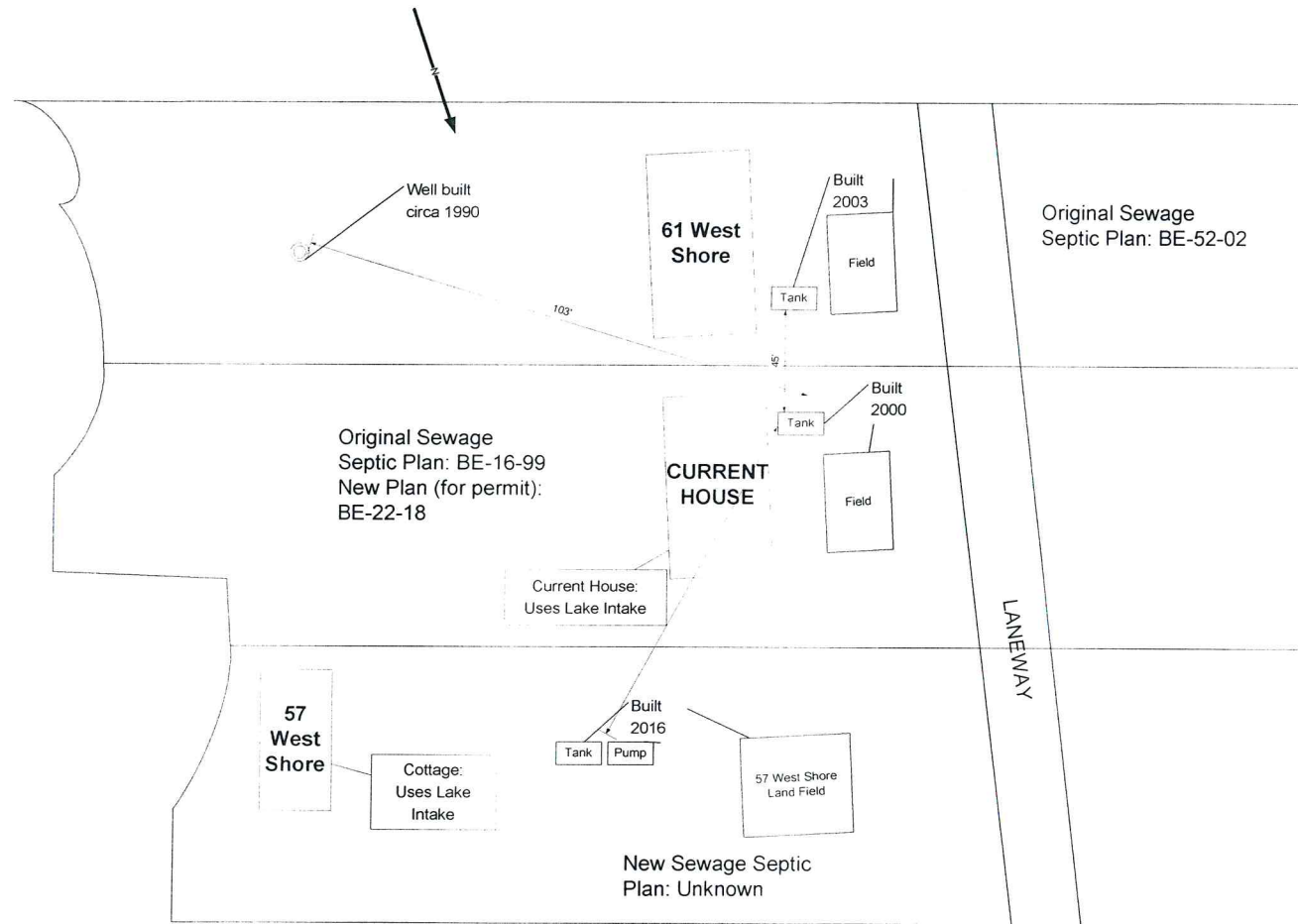
Proposed House w/ Deck

59 West Shore Ln Water Setback



Current House w/ Deck

59 West Shore Ln - Septic / Water



Build structure placement is approximate  
Laneway placement is approximate  
Exact Tank/Tile bed placement for main property listed on separate diagram

Local and Neighbours Layout



REPORT TO COMMITTEE OF  
ADJUSTMENT  
DEVELOPMENT SERVICES  
DEPARTMENT



**AGENDA DATE:** December 13, 2018

**SUBJECT:** Refund of Application Fees and Survey Costs  
Associated with Consent Application S-57-18-S & MV25-18-S  
Applicant: Victoria Webster  
5419 Battersea Road, Concession 10, Lot 11, Battersea,  
Storrington District

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**RECOMMENDATION:**

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

**BACKGROUND:**

Committee of Adjustment gave provisional consent to the severance application S-57-18-S for Mrs. Victoria Webster at the July 12, 2018 meeting. The purpose of the application was to create a new 3.8 +/- residential building lot.

In October, Mrs. Webster contacted the Planning Department to receive advice about modifying the survey from what was approved by the Committee of Adjustment. In reviewing the size of the severed parcel it was determined that a minor variance or zoning by-law amendment was required to recognize the deficient frontage of both the severed and retained lot proposed by the applicant.

On review of the consent file, it was noted that the planning report provided to the Committee of Adjustment had made reference to requiring a rezoning as a condition of consent to recognize deficient frontage, but it had not been included as a condition of at the time of decision. Based on current planning staff assessment, not including a condition to require a rezoning or minor variance as a condition was an oversight.

After meeting with Mrs. Webster and her real estate agent Barb Guiden in late October, it was determined that a minor variance application would be an appropriate way to recognize the reduced frontage of the severed and retained parcels. The logic for requiring the minor variance to recognize the deficient frontage now was that it would make it easier to sell in the future as a building lot – rather than pass the responsibility to the purchaser.

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

While Mrs. Webster has provided proof (copy of a cheque) that she had written a cheque to CRCA to review the application, there is no documentation in the Township files indicating the application was circulated to CRCA.

On the basis that CRCA had not been consulted on the consent application, staff determined it would be appropriate to circulate the minor variance application to the CRCA to obtain their comments.



# REPORT TO COMMITTEE OF ADJUSTMENT DEVELOPMENT SERVICES DEPARTMENT



In discussion with CRCA staff, it was determined that no further review fee would be charged for their comments to review the minor variance application.

Planning staff (Claire Dodds & Megan Rueckwald) met on-site with CRCA staff (Andrew Schmidt) on November 27<sup>th</sup>, 2018. On our comprehensive walk of site, CRCA staff indicated that the proposed building lot is substantially comprised of an unevaluated wetland located on the severed parcel and neighbouring property to the east.

CRCA staff indicated after reviewing the aerial photography for the site that “the wetland appears to be unevaluated by the MNRF, but Lidar contour information and site observations suggests that there is a wetland in this location that is approximately 0.8 hectares in size. Therefore, the wetland is a regulated feature under Ontario Regulation 148/06. CRCA recommends that an environmental consultant should be retained to more accurately define the wetland boundary and provide an opinion on an appropriate setback from the wetland feature.”

It was also discussed with CRCA staff that the majority of the frontage of the severed building lot is comprised of wetland and that the CRCA cannot issue permits for a driveway within the wetland as safe access cannot be assured and filling the wetland is not permitted.

An evaluation from a planning perspective determines that based on the setbacks from the wetland (30m), high watermark (30m) and the stream (30m) crossing the severed parcel, there is no buildable envelope on the proposed residential building lot.

If CRCA had been circulated the consent application for review they would not have been supportive of the consent application in the absence of an Environmental Impact Assessment being completed for the property. If Mrs. Webster had had that information through either the pre-consultation process or at the time of consent application, her costs and time invested in the severance application (and subsequent minor variance application) would certainly have been diminished.

The Director of Development Services contacted Mrs. Webster to discuss the comments from CRCA. Mrs. Webster confirmed that she is not prepared to, nor in the financial situation to, engage an Environmental Consultant to determine the boundaries of the wetland in the hopes of finding a small building envelope on the residential building lot.

As there is some question around how the Township handled the consent application and that the applicant had followed all the requirements asked of her by planning staff including identifying for staff during a pre-consultation meeting that the portion of the property near Battersea Road was low and wet. The applicant has requested the Township refund the application fees for both the consent application, the minor variance application and survey.

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

## **FINANCIAL/STAFFING IMPLICATIONS:**

-

The Consent application costs for S-57-18-S include:

1. Application fee - \$817



# REPORT TO COMMITTEE OF ADJUSTMENT DEVELOPMENT SERVICES DEPARTMENT



2. CRCA review fee - \$390
3. KFL&A Public Health review fee - \$500

The Minor Variance application costs for MV 25-18-S include:

1. Application fee - \$747

The applicant has incurred the following costs to fulfill conditions of consent application S-57-18-S:

1. Preparation of a survey - \$4,746

Total Costs Incurred by the Applicant = \$7,200

The applicant, Mrs. Webster, has agreed to withdraw both consent application S-57-18-S and MV-25-18-S, subject to having the Township cover the costs outlined above.

Refunding Mrs. Webster's costs at this time and having the applications withdrawn means that an unbuildable residential lot will not be created. On that basis staff feel strongly that it is advisable to return Mrs. Webster's application and survey fees outlined above.

## **CONSULTATION:**

This report was prepared with the input of:

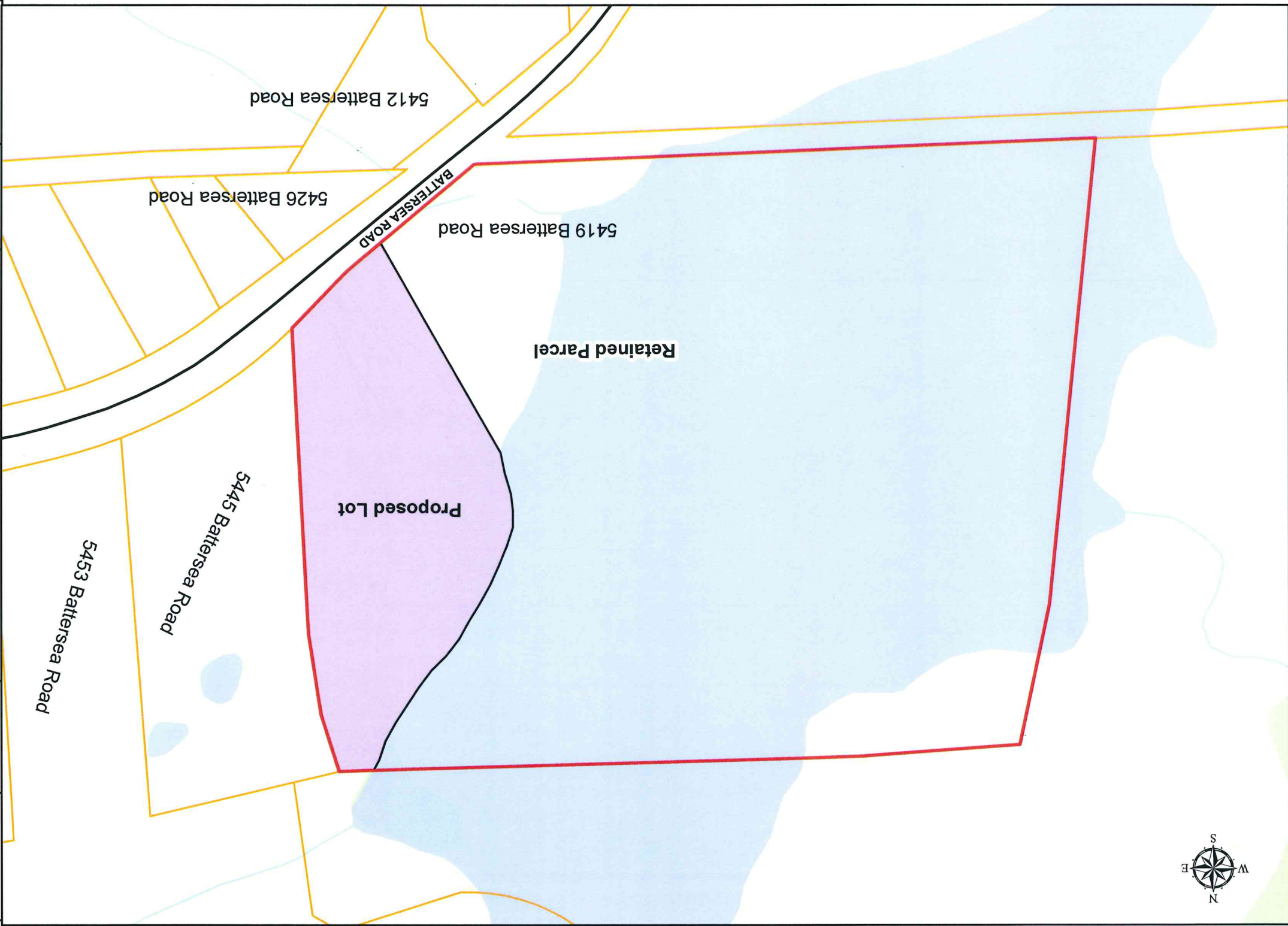
- Andrew Schmidt, Supervisor, Development Review, Cataraqui Region Conservation Authority
- Megan Rueckwald, Interim Planner, South Frontenac
- Wayne Orr, CAO/Deputy-Clerk, South Frontenac

## **ATTACHMENTS:**

- Attachment 1: Location Map – S-57-18-S  
Attachment 2: Survey of Residential Lot Proposed to be Created by S-57-18-S  
Attachment 3: CRCA Map of Wetland Delineation – MV-25-18-S - Webster

**Submitted/approved by:** Claire Dodds, Director of Development Services


**Prepared by:** Claire Dodds, Director of Development Services




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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.

**Legend**


Webster Property 

Webster Proposed Lot 

**WEBSTER**  
**S-57-18-S**



Scale 1:2,170



UTM Projection NAD 83

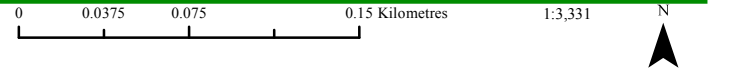




# 5419 Battersea Road - Webster



- |                           |                    |                           |  |
|---------------------------|--------------------|---------------------------|--|
| Violations                | 2006 - 2018        | Official CRCA Flood Plain | Napanee Significant Woodlands                |
| Inquiries                 | Flood Prone Zones  | Flood Plain Setback (15m) | <b>CCRNNH Significant Woodlands</b>          |
| Plan Review               | <b>Data Limits</b> | Parcels                   | Significant Woodlands                        |
| <b>Regulation Permits</b> | LIDAR Limit        | ANSI                      | Not Significant                              |
| 1965 - 1989               | Study Limit        | ANSI                      | Provincially Significant Wetland 120m Buffer |
| 1990 - 2005               | Spill Way          |                           | Evaluated - Provincial                       |
|                           |                    |                           | Evaluated - Regional / Evaluated - Other     |



November 27, 2018

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 Ministry of Natural Resources and Forestry