

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

TIME: 7:00 PM,
DATE: Thursday, May 9, 2019
PLACE: Council Chambers.

1. Call to Order
2. Adoption of Agenda
3. Declaration of pecuniary interest
4. Approval of Minutes – April 11, 2019
5. Consent Applications:
 - a) S-06-19-S Noble 3 - 38

Part Lots 6 & 7, Concession 9, being Part 2 on Plan 13R13561, municipally known as 4679 Noble Lane, District of Storrington, Township of South Frontenac. For consent to create one new rural waterfront vacant lot consisting of approximately 11.5 acres with 595 feet of frontage along Loughborough Lake and 1900 feet of frontage along Noble Lane.
6. Minor Variance Applications:
 - a) MV-08-19-B Finlay & Catana 39 - 59

Part Lots 33 and 34 Concession 5, Being Part 1 on Plan 13R-15166 and Parts 1-4 on Plan 13R17510, municipally known as 295B Alf Patterson Lane, Crowe Lake, District of Bedford, Township of South Frontenac. To increase the maximum allowable height for an accessory building from 19.7 ft (6 metres) to 27.7 ft (8.4 metres) to permit the construction of a new garage with a storage loft to the northeast of the existing cottage. The applicant is seeking relief from Section 10.3.2 Limited Services Residential Waterfront (RLSW) Zone Accessory Buildings not attached to the Principal Building which requires the maximum building height to be 19.7 ft (6 metres).
 - b) MV-07-19-B Faucher 60 - 75

Part of Lot 34 Concession 5, 13R19133, municipally known as 158 Lone Ridge Lane, Crowe Lake, District of Bedford, Township of South Frontenac.

The applicant is seeking relief from Section 5.24.2 of the Township of South Frontenac Zoning By-law to permit an accessory building, being a detached garage, in the front yard of a waterfront property that contains an existing residential dwelling located in the Limited Services Residential Waterfront (RLSW) Zone.
 - c) MV-10-19-L Zanetti 76 - 87

Part Lot 1, Concession 13, being Lot 1, Plan 1901, municipally known as 2359 Meredith Lane, Mink Trap Lake, District of Loughborough, Township of South Frontenac. To permit the demolition and reconstruction to an existing cottage within the 30 metre (98.4 ft) setback to the highwater mark from 30 metres (98.4 ft) to 22 metres (72.18 ft) to permit the construction of the living room and den at the north side of the cottage and main floor bedroom and rear foyer at the southeast corner of the cottage. The applicant is seeking relief from Section 5.8.2a Flooding and Shoreline Erosion Hazards and

Section 8.3.2 of the Waterfront Residential (RW) Zone.

7. *Other Business*

8. *Adjournment*



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PLANNING REPORT – CONSENT APPLICATION

Report Date: April 30, 2019
Application Nos: S-06-19-S
Owner: Gerald & Margaret Noble
Location of Property: Part Lots 6 & 7, Concession 9, being Part 2 on Plan 13R13561, District of Storrington, Township of South Frontenac, municipally known as 4679 Noble Lane
Purpose of Application: Consent to create one new lot
Date of Hearing: May 9, 2019

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-06-19-S for consent to create one new lot at Part Lots 6 & 7, Concession 9, being Part 2 on Plan 13R13561, District of Storrington, municipally known as 4679 Noble Lane.

Proposal

An application for consent has been received for the creation of one new lot from an existing farm property at Part Lots 6 & 7, Concession 9, being Part 2 on Plan 13R-13561, District of Storrington, municipally known as 4679 Noble Lane. The subject property is located within the hamlet boundary of Battersea and is accessed by Noble Lane from Battersea Road (see attached map) and has frontage on Noble Lane, Kellar Road and Battersea Road. The lands are developed with a single detached dwelling with barn and outbuildings. The owner maintains beef cattle and sheep on the property. The completed farm data submitted assisted in completing the MDS calculation which indicated that the minimum distance is required to be 157 metres (541 feet). The severed lot is located outside of the required MDS distance.

S-06-19-S

Consent application S-06-19-S is for the creation of one new lot consisting of approximately 11.5 acres (4.65 ha) of land with 595 feet (181.37 metres) of frontage along Loughborough Lake (in two locations) and 1900 feet (579.12 metres) of road frontage along Noble Lane and is municipally known as 4679 Noble Lane. The topography of the property is described as being low-lying in the northern portion of the property in the area of the Milburn Creek wetland and rises towards the southwest. The lands are predominantly woodlands with some agricultural lands.

Retained Lot

The retained lands consist of approximately 125.71 acres (50.87 ha) with approximately 580 feet (178.78 metres) of frontage along Loughborough Lake and 190 feet (57.9 metres) of frontage along Battersea Road and approximately 3000 feet (914.4 metres) along Noble Lane and Kellar Road. The retained single detached dwelling, barn and outbuildings with beef cattle and sheep. No development is proposed for the retained lands.

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. 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 in the settlement area, planning authorities must comply with Section 1.1.3 of the PPS; which indicates that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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. The proposed lot area of 11.5 acres (4.65 ha) exceeds the minimum lot size of 8,000 m² (2 acres) in the Urban Residential (UR1) Zone in the hamlet of Battersea.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The proposed lot is located at the northwest corner of the hamlet of Battersea. A proposed dwelling and septic system can be accommodated outside the wetland to the north.

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 Area provides policies that note that efficient development patterns and road connections will be encouraged in Settlement Areas to optimize public services and to make the most efficient use of land and resources. The proposed lot is located at the edge of the hamlet of Battersea within the settlement area.

Township of South Frontenac Official Plan, 2003

The subject property is designated as Settlement Area in the Township of South Frontenac Official Plan. Policies of the Settlement Area designation state new growth in the municipality will be directed to existing settlement areas where it can be supported by appropriate servicing. Section 5.2.7 b)i) of the Official Plan suggests that all lands within 90 metres of the highwater mark of all lakes and rivers are included as environmentally sensitive areas. Millburn Creek wetland, a regionally significant wetland, is below the highwater mark of Loughborough Lake and is considered to be an environmentally sensitive area. Staff at the CRCA is satisfied that there is sufficient area outside of the 90 metres adjacent lands to a sensitive area for future development to occur on the retained and severed parcels. CRCA Staff is also satisfied that there is sufficient area outside of the 30 metre highwater mark setback for future development to occur outside of the 30 metre highwater mark setback for future development of the severed and retained parcels. The retained lot will continue to conform with the Rural policies in the Official Plan.

Township of South Frontenac Zoning Bylaw

The subject property is zoned Rural (RU), Urban Residential (UR1) and Environmental Protection (EP) Zone in the Township of South Frontenac Zoning Bylaw. The intent of the Urban Residential (UR1) Zone is to accommodate for development in the hamlet areas. The intent of the Environmental Protection (EP) Zone is to protect environmentally sensitive features. The southern portion of the severed lot is located in the Urban Residential (UR1) and the northeastern portion of the subject lands are zoned EP in the Township's Zoning Bylaw.

The consent application will create one new lot that exceeds the minimum lot area and lot frontage requirements in the UR1 Zone. Proposed development will be located in the UR1 Zone outside the EP Zone. The retained lands are located in the Rural (RU) and Urban Residential (UR1) Zone and contain approximately 125.71 acres.

Section 5.8.2 of the Zoning By-law specifies that no building, structure or septic tank installation shall be located within a minimum of 30 metres horizontal of the highwater mark of a waterbody or watercourse which is consistent with the policy of the CRCA. This section also indicates that 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. The CRCA's Planning Policy defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till shorelines of 3(h):1(v), plus an erosion access allowance of 6 metres. CRCA staff note that there is sufficient area outside of the erosion hazard allowances for development to occur on both the retained and severed parcels.

Agency Analysis and Comments

Cataraqui Region Conservation Authority – 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, the water quality in the lake as well as the protection of the Millburn Creek wetland. The comments speak to Natural Hazards, which include flooding and erosion and natural heritage and water quality. Staff have no objection to the approval of application S-06-19-S



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



based on their consideration for natural hazards, natural heritage, and water quality and quantity protection policies. The applicant will be required to contact the CRCA at the building permit stage to apply for a permit under Ontario Regulation 148/06 as a portion of the severed lot is within the regulated area, the lot will be subject to the regulation.

KFL&A Public Health

Comments from KFL&A dated April 30, 2019 indicated that the proposed lot is capable of providing flexibility in siting a sewage disposal system, although the location where the test holes were dug would be preferred. 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.

A site visit was completed by planning staff on April 26, 2019.

Comments from the Public

Several telephone calls, emails and in-person inquiries and comments were submitted to Planning Staff mainly centered on concerns of the maintenance and access over Noble Lane, a private lane which is not maintained by the Township of South Frontenac. Access over Noble Lane is controlled by Texas Cattle Gates near where the Lane meets Battersea Road and also, just before the cottage properties on the lane. The fencing on the property meets the cattle gates and it was brought to the attention of the Planning Staff that there may be an issue for emergency vehicles accessing the northerly part of the lane through the narrow fence over the Texas Cattle Gates.

Planning Staff reached out to the Fire Chief for his input on the matter. The Fire Chief indicated that his trucks had recently been down the lane and the width of the access was not an issue at present time. Planning Staff noted that if the fencing was ever replaced any access over the lane would be required to be a minimum of 12 feet wide to accommodate for the Townships largest fire truck. A condition will be included indicating this requirement.

Recommended Conditions

Expiry Period

1. Conditions imposed must be met within one year of the date of Decision of the Township of South Frontenac Committee of Adjustment, 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 decision.

Severed Lands

2. The land to be severed by Consent Application S-06-19- S shall be for the creation of one new lot with an area of approximately 11.5 acres (4.65 ha) of land with 595 feet (181.37 metres) of frontage along Loughborough Lake (in two locations) and 1900 feet (579.12 metres) of road frontage along Noble Lane.

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)].

Municipal Requirements

4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-06-19-S, in lieu of parkland [Planning Act, s. 51(1)].



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6. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
7. The 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-06-19-S.
8. That a development agreement be entered into with the Township to address the development of the severed lot including servicing consistent with comments provided by Public Health dated April 30, 2019. Also to include the Townships environmental policies and the CRCA comments and recommendations, as well as the Townships limited services policies. The agreement will establish a minimum width that the lane must be maintained to ensure emergency vehicle access. The agreement shall be registered on title to the entire subject property before the lands are severed.

Zoning

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: Trudy Gravel, CPT, AMCT, Planner, Township of South Frontenac

Approved by:

Claire Dodds, MCIP, RPP, Director of Development Services, Township of South Frontenac

Attachments: Map of Noble property.



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



April 25, 2019

File: SEV/FRS/76/2019

Sent by E-mail

Ms. Trudy Gravel, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Gravel:

**Re: Application for Consent to Sever S-06-19-S (Noble)
Lot 6 & 7, Concession 9; 4679 Noble Lane
Storrington District, Township of South Frontenac
Waterbody: Loughborough Lake**

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

Summary of the Proposal

The applicant has requested severance of a 4.65 hectare parcel with approximately 181 metres of water frontage on Loughborough Lake. The lot to be severed is presently vacant, and it is proposed that the lot be used for residential purposes. The lot to be retained would be approximately 50.9 hectares in area and will continue to be used as an agricultural / residential property.

Site Description

The topography of the property can be described as being low-lying in the northern portion of the property where a portion of the Milburn Creek wetland is located and then rising steadily toward the south-west. The property consists of predominately woodlands with some agricultural use. According to the information provided, the lot to be severed has water frontage onto Loughborough Lake in two locations.

The property is designated 'Settlement Area' in the Official Plan and zoned 'Urban Residential – First Density Zone' (UR1) and 'Environmental Protection' (EP) in the implementing Zoning By-law. The EP zoning appears to coincide with the location of the Milburn Creek wetland.

Discussion

The main interest of the CRCA in this proposal is the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Loughborough Lake, the protection of water quality in the lake as well as the protection of the Milburn Creek wetland.

Natural Hazards

Flooding: The maximum recorded water level for Loughborough Lake is 125.1 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, there is sufficient area outside of the setback from the regulatory flood plain for development to occur on both the retained and severed parcels.

Erosion: Section 5.8.2.b) of the Zoning by-law requires that no building or structure or septic tank installation shall be located within 15 metre horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. The CRCA's Planning Policy defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till shorelines of 3(h):1(v), plus an erosion access allowance of 6 metres. Staff note that there is sufficient area outside of the erosion hazard allowances for development to occur on both the retained and severed parcels.

Milburn Creek Wetland Complex

As noted above, a portion of the lot to be severed contains part of the Milburn Creek wetland complex. However, staff note that this wetland has not been designated as a provincially significant wetland. Section 5.2.7 b)(i) of the Official Plan suggests that all lands within 90 metres of the highwater mark of all lakes and rivers are included as environmentally sensitive areas. Since the Milburn Creek wetland is attached to Loughborough Lake and is below the highwater mark of the lake, it would be considered to be an environmentally sensitive area. This section describes that a minimum setback of 30 to 90 metres may be required depending upon conditions specific to individual sites.

Staff are satisfied that there is sufficient area outside of the 90 metre adjacent lands to an environmentally sensitive area for future development to occur on the retained and severed parcels.

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. Staff note that there is sufficient area outside of the 30 metre water setback for future development to occur on the retained and severed parcels.

Recommendation

Staff have no objection to the approval of application S-06-19-S based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06

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

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

Yours truly,



Andrew Schmidt
Supervisor, Development Review

/as

c.c. Gerald & Margaret Noble, 4679 Noble Lane, Battersea, ON, K0H 1H0
Michelle Hannah, South Frontenac Township (via email)



**CONSENT TO SEVER
INSPECTION REPORT**

File Number: S-06-19-S			Receipt Number: SK-16-2019																														
Owner(s): Noble, Gerald & Margaret																																	
Municipality: Township of South Frontenac			Ward / Former Township: Storrington																														
Lot: Part 6 & 7	Concession: 9	Registered Plan: 13R13561	Part(s): 2	Plan of Subdivision:	Sublot:																												
<p>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</p> <p>Severed: Irregular lot with a variety of features; some waterfront on Loughborough Lake, some low-lying swamp/wetland areas in the northern half of the proposed lot, pasture land in the southern half. The proposed severed lot is bordered by the retained lot to the south and west, neighbouring lots to the west, north, and east, Loughborough Lake to the west, and Wellings Lane to the east.</p> <p>Retained: Large acreage, primarily agricultural use; several outbuildings sit on the northern side of the lot; an existing dwelling sits on the northern edge of the lot near Loughborough Lake; the dwelling is served by a well and sewage system. The proposed retained lot is bordered by neighbouring lots to the south, west and east, Loughborough Lake to the north, and the proposed severed lot to the east.</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:35%;"></th> <th style="width:15%; text-align: center;">Severed</th> <th style="width:15%; text-align: center;">Depth of Soil</th> <th style="width:35%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr> <td>Grade/organic layer</td> <td style="text-align: center;">-----></td> <td style="text-align: center;">0.0 m</td> <td></td> </tr> <tr> <td>Water observed in test hole 2</td> <td style="text-align: center;">-----></td> <td style="text-align: center;">0.3 m</td> <td></td> </tr> <tr> <td>Clay</td> <td style="text-align: center;">-----></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	Grade/organic layer	----->	0.0 m		Water observed in test hole 2	----->	0.3 m		Clay	----->	0.6 m				0.9 m				1.2 m				1.5 m	
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Percolation rate (estimated): > 50 min/cm			Percolation rate (estimated): min/cm																														
<p>NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</p> <p>Suitability for on-site sewage disposal:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; vertical-align: top;"> <p><u>SEVERED</u></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>Conditions: The proposed lot is capable of providing flexibility in siting a sewage disposal system, although the location where the test holes were dug would be preferred. 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> </td> </tr> <tr> <td style="vertical-align: top;"> <p><u>RETAINED</u></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>Conditions:</p> </td> </tr> </table>						<p><u>SEVERED</u></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p>Conditions: The proposed lot is capable of providing flexibility in siting a sewage disposal system, although the location where the test holes were dug would be preferred. 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><u>RETAINED</u></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p>Conditions:</p>																								
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Inspector: Matthew Doyle CPHI(C), Public Health Inspector		Approved:		Date: April 30, 2019																													

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

Trudy Gravel

From: James Pettingill [REDACTED]
Sent: May-03-19 2:20 PM
To: planning
Subject: Objection to S-06-19-S

To whom it may concern,

I am writing in regards to file S-06-19-S concerning the creation of a new waterfront lot on Noble Lane in Battersea. I am against the creation of the new lot as the intent in creating the lot is to eventually have it developed with a single family dwelling. Although this application is not for planning approval of the hypothetical dwelling, I believe the future use should be considered at this juncture as the creation of a lot that will not be able to be built on is not in the interest of the township. The majority of the proposed lot (including the two waterfront portions) is zoned as an Environmental Protection Zone (EP) as seen in Zoning By-law No. 2003-75 Schedule "C" and the considerations governing the development of these lands and lands adjacent to them as outlined in CZBL sections 32 and 5.37 should be reviewed prior to the approval of the lot.

Section 32.1 of the CZBL states that "Within an EP - Environmental Protection Zone, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section. Only lands which have been identified as provincially significant wetlands or where an engineered floodline has been established have been zoned Environmental Protection."

By approving the creation of this lot, it will invariably lead to the use of the lands zoned as EP in contravention of section 32.1. A person purchasing a waterfront lot will no doubt want to enjoy the waterfront and use it. In the process they will clear a path to it (even prior to approval of a structure) or cut trees to improve their view of it; this will be nearly impossible to regulate if this lot is created and lead to degradation of this provincially significant wetland.

Section 32.3(j) states that "The minimum separation distance between uses and EP lands shall be 30 metres (98.4 ft.)" and section 5.6.1 states that "Notwithstanding any other provision contained in this By-law, all development shall be set back a minimum of 5 metres (16.4 ft.) from either the travelled portion or the surveyed edge, whichever is greater, of all private lanes."

It is unclear from the map if there is an area on the proposed lot to erect a residential dwelling and septic that is both 30m from the EP zones and 5m from Wellings Lane. Furthermore, there would be nowhere on the proposed lot to add in a driveway (a use) that would be 30m from the EP zone.

I believe now is the time to consider the development of this land rather than after someone has purchased it with the potentially wrong assumption that they could build on it or use it to access Loughborough lake. The committee has an obligation to our future generations and to the economic future of the township to protect our wetlands and waterways by maintaining the key vegetative buffers around these areas. The shorelines of the proposed lot is the favorite fishing grounds of blue heron, house a beaver, and are the nesting area for many Canadian geese and other migratory ducks in the spring time, lets not allow this to be destroyed.

The creation of this lot will lead to the use and degradation of an area designated as an Environmental Protection Zone, please allow it to remain protected.

It is for the above reasons that I object to and do not give my consent to the creation of the proposed lot in S-06-19-S.

Sincerely,

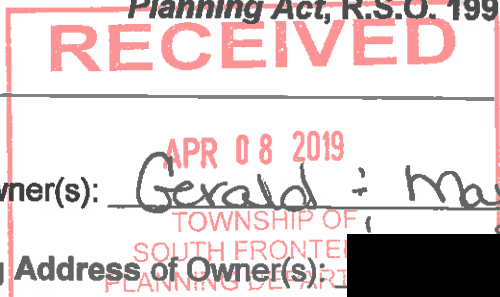
James Pettingill

[REDACTED]
[REDACTED]



Virus-free. www.avast.com

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



Date Received: _____

File No: S-06-19-S

1. Name of Owner(s): Gerald & Margaret Noble

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: ~~XXXX~~ 9 Lot Number: 6 + 7

Street Number: 4679 Name of Road/Street: Noble Lane.

Reference Plan Number: _____ Part Number(s): _____

Roll Number: 1029060050054000000

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): 181.37 metres approx. Frontage (on road/lane): 385 feet excluding wetland.
 Depth: 822 feet Area: 7.27 acres approx. excluding wetlands

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.

For the creation of a 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>1900 FT.</u>	Frontage On Road <u>190 on BATTERSEA RD. APPROX 3000'</u>
Frontage On Water <u>181.37 metres approx.</u>	Frontage On Water <u>580' APPROX</u>
Depth <u>822 feet. Irregular</u>	Depth <u>2200 FT.</u>
Area <u>11.5 ACRES</u>	Area <u>125.71 approx.</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>Agriculture</u>	<u>Agriculture + RESIDENTIAL</u>
Retained:	<u>Agriculture</u>	<u>Agriculture</u>

	Structures Existing	Structures Proposed
New Lot:	<u>None</u>	<u>single family dwelling</u>

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.): Noble Lane.

The retained lot: Noble 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: _____

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: Drilled Well (Future) Retained Lot: Drilled Well

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

New Lot: None Retained Lot: Private septic

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

EP + UBI

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 #: No (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: NB

(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.**

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT
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AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of ~~\$817.00~~ ^{832.⁰⁰} 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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC



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.

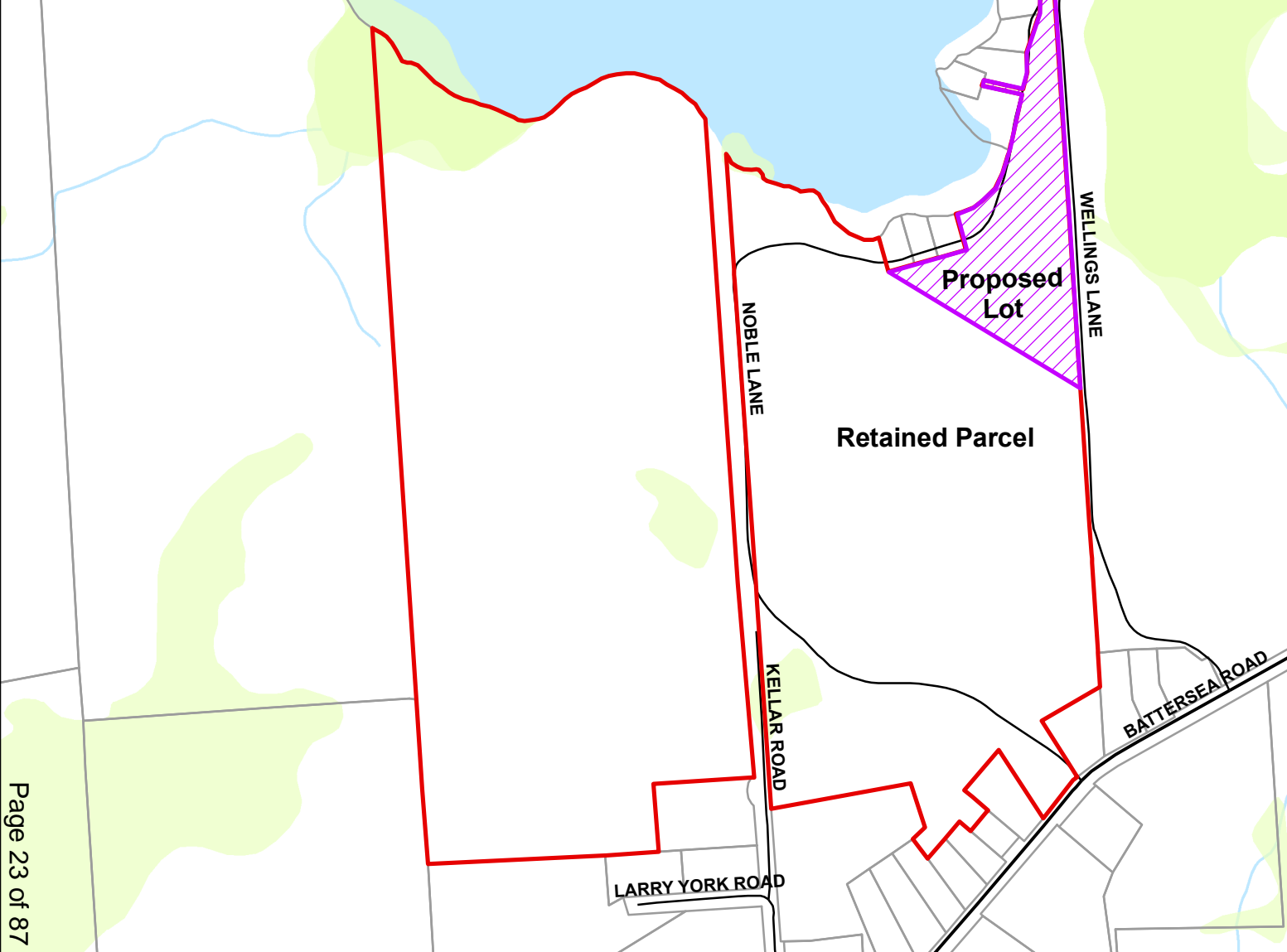
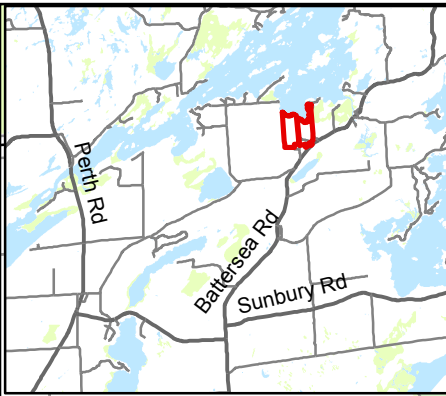
TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT
Planning Act, R.S.O. 1990, c. P.13 as amended

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.

NORTH.

Loughborough HAKE








**NOBLE
S-06-19-S**

4679 NOBLE LANE

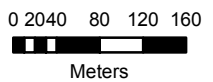
Legend

-  Proposed Severance
-  Noble Property
-  Parcel Fabric

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

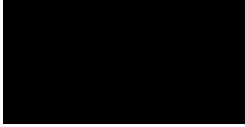
While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:7,000



UTM Projection NAD 83

April 29, 2019
Scott Topping
Leah Werry



Attention: Michelle Hannah Secretary Treasurer Committee of Adjustment

Re: Application for Consent S-06-19-S Applicant Gerald and Margaret Noble

Dear Ms. Hannah

With reference to the above noted application for consent please be advised that as homeowners of 4843 Noble Lane we are opposed to the application as follows:

Road Access

Noble Lane is currently a 1.6 kilometer private road that services thirteen (13) homes and cottages and one farm operation. At present six homes are occupied year round on a full time basis. Access to these homes and the proposed lot severance is provided by way of deeded access. The maintenance and management of this road inclusive of the road side garbage collection area is conducted by an ad hoc group of residents. It does not include the current applicants, Gerald and Margaret Noble, as they refuse to contribute to the road maintenance by way of payment of fees or participating in the volunteer maintenance services that are provided by the Noble Lane Community. The Nobles currently reside approximately half way along this road and enjoy the year round access and maintenance of the road, including snow clearing, annual placement of gravel and ongoing road repair, along with maintenance of the community garbage and recycling depot. The road is kept in a serviceable condition so that it may facilitate community vehicular traffic including police, ambulance and fire services.

The ongoing maintenance of the road is negatively impacted by the Nobles' livestock operation and their poor farming practices. The Nobles do not adequately contain their livestock and allow them to freely roam on the road. Their cattle and heavy equipment causes damage to the road, including large muddy swales, potholes and a buildup of manure, often the cattle block the flow of traffic. In addition, without notice the Nobles have restricted access to the lower portion of the road in an effort to contain their cattle from wandering on to the manicured grounds of other homeowners, where they have caused significant damage. This was a shortcut instead of properly fencing their livestock. Most recently fire services were required on our road in response to the tragic loss of a family cottage and potentially catastrophic bush fire. They had great difficulty navigating the road due to poor conditions caused by the cattle and heavy farm equipment and the partially closed gate. In addition police were required to use our road to attend to a dangerous situation when illegal activity was discovered at a seasonal

cottage on a neighbouring road with blocked access. We have elderly residents on our road and people in poor health and it is imperative that the road be accessible by emergency services.

Property Standards Issues

The Nobles' fences and farm in general is in a state of disrepair and have been a source of complaints and resident disputes in the past. The property is littered with broken vehicles and farm equipment left to decay in place. Feedbags and garbage are scattered across the property, noxious weeds proliferate. The Nobles intentionally feed their cattle next to the road by way of industrial farm equipment that causes ongoing damage to the road that requires continuous repair by the other residents on the road. Attempts have been made to remedy the situation with the Nobles and have them participate in road maintenance, however they have refused, and they continue with their adversarial approach to the community.

The severance would obviously increase vehicular traffic and if retained by the Nobles would further compound the current issues associated with the road maintenance, farm operation, and fair and equitable proportional payment of road fees. If the Nobles were to sell the lot, not only would they benefit from the community's time and expense to maintain the road and repair the damage they do, but it is possible that potential buyers would be told they don't need to contribute as they themselves do not.

Environmental Issues

The Noble Lane community and road access is located next to Loughborough Lake and is deemed to be a sensitive environmental area. As you are no doubt aware it is actually part of the UNESCO Biosphere Reserve and is an important link between the Appalachians and the Algonquin dome. Our bay in particular is the resting spot for many birds on their migration path. Loughborough Lake and Battersea Bay in particular supports local businesses, including two fishing lodges and guiding operations, providing an important source of income for many South Frontenac residents. It is not known at this time if the severance is being undertaken to facilitate a private home or their present farming operation. The Nobles current farming operation and facilities are shoddy and negatively impact the environment. This is evidenced by the buildup of manure and contaminants that eventually make their way into the lake due to inadequate management of the farm. Abandoned equipment, materials and vehicles are left throughout the fields and along the shoreline, trees are indiscriminately cut, and debris including tires, oil cans and plastic bale wraps are left scattered throughout the property. As a result the small bay which borders their property is thick with algae and lake weeds and is all but impassable, and extremely unhealthy.

With reference to the above noted issues we cannot provide our consent and vehemently oppose this proposed severance unless the current issues are adequately resolved to the mutual benefit of all current and future residents of Noble Lane. We further reserve our right to appeal this severance to the Tribunals Ontario Environment Land Division formerly known as The Ontario Municipal Board.

Yours truly,

LeahWerry & Scott Topping



Cc Mayor Council, South Frontenac.

Noble Lane Severance

Road Conditions and Land Use Issues

Submitted by Scott Topping & Leah Werry



Livestock & Equipment Damage Road

Livestock are fed next to the road each spring
when the road is most prone to damage by
cattle and machinery



Calves & Cattle use Road

Full grown cattle including a bull and calves use the road to travel from one field to the next:

- Blocks traffic
- Damages the Road
- Danger to cattle
- Not safe for pedestrian or bicycle traffic



Residents cannot walk or bike on road due to cattle including bulls wandering on road



Constant and Ongoing Road Damage by Farm Operations. The Nobles do not Contribute to Road Repairs



“Texas Gates” and farm gates used to contain cattle
Impede vehicular traffic. Cows still escape onto
neighbouring properties and Battersea Road.



Uncontained Diesel Tank & Oil Tank



Multiple fields littered with plastics, in close proximity to Loughborough Lake



Abandoned Buildings and Equipment



Community Garbage Area

New animal Proof metal boxes installed last year.

All neighbours use this area for garbage and recycling.

Nobles do not to contribute to costs or do any physical maintenance.



Recent Fire on Road. Maintenance of Road is critical for Emergency Services. This recent fire jumped the road and started a brush fire. Residents were trapped by the fire trucks as the road is very narrow.



No new lots should be created, unless South Frontenac is willing to assume responsibility for the road.





REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



MINOR VARIANCE – PLANNING REPORT

Report Date: May 1, 2019

Application No: MV-08-19-B

Owner: Stephen Finlay & Sandra Catana

Location of Property: Part Lots 33 and 34, Concession 5, Being Part 1 on 13R15166 and Parts 1-4 on Plan 13R-17510, District of Bedford, Township of South Frontenac, municipally known as 295B Alf Patterson Lane, Crow Lake

Purpose of Application: To vary Section 10.3.2 of the Township of South Frontenac Zoning Bylaw to allow an increase in height for Accessory Buildings Not Attached to the Principal Building in the Limited Service Residential Waterfront (RLSW) Zone from 19.7 feet (6 metres) to 27.7 feet (8.4 metres) for a property that contains an existing seasonal dwelling.

Date of Hearing: May 9, 2019

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-08-19-B, subject to conditions.

Proposal

An application for minor variance has been submitted for the property located at Part Lots 33 and 34, Concession 5, Being Part 1 on Plan 13R-15166 and Parts 1-4 on Plan 13R-17510, District of Bedford, Township of South Frontenac, 295B Alf Patterson Lane, Crow Lake (see attached map). The minor variance application has been submitted with the request to increase the maximum allowable height for an accessory building from 19.7 feet (6 metres) to 27.7 feet (8.4 metres). The applicant would like to construct a garage with loft. The subject property contains an existing cottage within 30 meters of the water's edge and consists of approximately 2 hectares in area with a road frontage of 171 metres and a water frontage of 73 metres and average depth of 182 metres. The proposed garage will be setback 60.6 metres from the highwater mark of Crow Lake.

The property is located along the north shore of Crow Lake and is accessed by Alf Patterson Lane, a private road which is accessed from Crow Lake Road. The property is approximately 5.0 acres (2.0ha) with approximately 249.56 feet (76.07 metres) of water frontage and 563.6 feet (171.79 metres) of frontage on Alf Patterson Lane. The property is currently serviced with an existing septic system and well.

The applicant has indicated that they would like to increase the height of the garage with loft as family members are over six feet in height and they would like to ensure that the space of the structure is functional. The proposed detached garage is to be 28 feet (8.53 metres) by 40 feet (12.19 metres) and is to be located northwest of the existing cottage and approximately 200 feet from the waterfront. The applicant has indicated that the garage cannot be placed closer to the lane due to the existing hydro lines and the topography of the property. Elevation and floor plans of the proposed garage have been submitted in support of the proposed garage with loft. The purpose of the garage is for providing storage with a workshop and the space in the loft will be used for hobbies. The applicant had indicated that the loft will not be used for the purpose of providing a bedroom. The applicant has indicated that they would like to have one wash basin in the garage and one in the loft. The applicant hopes to install and connect the basins at a later date. The design of the garage will be constructed of materials that are consistent with the newly renovated cottage with the same siding and steel roof. Existing trees will be maintained from the garage to the water's edge.

The subject property is Zoned Limited Service Residential Waterfront (RLSW) Zone in the South Frontenac Zoning By-law. Under the RLSW Zone, Section 10.3.2 states a Accessory Buildings Not Attached to the Principal Building in the Limited Service Residential Waterfront (RLSW) Zone the building height (maximum) is required to be 6 metres (19.7 feet)

Requested variance:

- a. To permit an increase in the maximum height of the detached garage with loft from 19.7 feet (6 metres) to 27.7 feet (8.4 metres), the Applicant has requested zoning relief for an increase of height of 8 feet (2.4 metres).



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 approximately 5.0 acres (2.02ha) with approximately 249.56 feet (76.07 metres) of water frontage and 563.6 feet (171.79 metres) of frontage on Alf Patterson Lane. A site visit was undertaken of the property and it was determined that the property slopes towards Crow Lake and contains a number of mature trees. An existing cottage is located closer to the waters edge and two existing sheds are located to the northwest of the cottage. The existing septic system is located to the north of the cottage. An existing hydro line is located to the north of the cottage. Existing cottages are located to the west and east of the subject site. The applicant is requesting to construct a detached garage with loft in the dimensions of 28 feet (8.53 metres) by 40 feet (12.19 metres) with an increased height of 27.7 feet (8.4 metres) in order of providing functional space in the loft area. The detached garage will be located in an area surrounded by existing trees. The cottage properties to the west are at a lower elevation than the subject lands.

Crow Lake is a regulated watercourse under Ontario Regulation 174/06 and any modifications to the Shoreline would require written permission with the Rideau Valley Conservation Authority. As per the Tay River - Crow Lake Catchment Report, the subject lands have been identified as being located in this area. The water quality index is indicated as being good to very good in accordance with the Provincial Water Quality Objectives (PWQO). This is the result of low nutrient levels, such as phosphorous and nitrogen, which are consistently below PWQO levels.

Staff at the RVCA have undertaken a review of the property and have indicated that the property did not indicate the presence of any unstable slopes, wetlands, nor flooding or erosion hazards. The RVCA has recommended that the owners consider taking advantage of the RVCA's tree planting and shoreline naturalization programs. The Rideau Valley Conservation Authority has no objection to the subject application.

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 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 no natural heritage features were identified during the review. RVCA have indicated that they are satisfied that Section 2.2 Water of the PPS is adequately addressed as a result of the application.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Rideau Valley Conservation Authority staff have indicated that Section 3.1 of the PPS is adequately addressed as a result of the application. This information was provided in comments dated April 1, 2019.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



South Frontenac 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 Rural Limited Service Residential Policies permit rural residential uses as permitted uses within the designation in addition to seasonal uses. KFL&A Public Health have reviewed the application and have no objection to the proposed minor variance application under permit BE-2-19.

South Frontenac Zoning By-law: Limited Service Waterfront Residential (RLSW)

The property is zoned Limited Service Waterfront Residential in the Township of South Frontenac Zoning Bylaw. The RLSW Zone permits residential development on waterfront property accessed by a private road.

The request is to vary Section 10.3.2 of the South Frontenac Zoning Bylaw to allow an increase in height for accessory buildings not attached to the principal building in the Limited Service Residential Waterfront (RLSW) Zone from 19.7 feet (6 metres) to 27.7 feet (8.4 metres) for the construction of a detached garage with loft for a property that contains an existing seasonal dwelling. The garage meets all other zone provisions.

When considering if the application is minor, it is important to remember that the evaluation of minor is not solely a quantitative analysis, but rather the consideration of the impact of the proposed development. The proposed garage will be buffered by an existing row of trees to the west and will not obstruct the view of the water from neighbouring properties to the west. The garage will not be visible by the property owner to the east. With this application, staff at the Rideau Valley Conservation Authority have noted that they have no objection with regards to Section 2 and 3 of the Provincial Policy Statement which speak to natural heritage and water. As such, planning staff are supportive of the request for zoning relief for the increased height of the detached garage with loft.

Agency Analysis and Comments

KFL&A Public Health – Have indicated in their April 26, 2019 comments that they have no objection to the proposed minor variance as the owners have submitted an application under permit number BE-2-19.

Rideau Valley Conservation Authority – As per comments dated April 1, 2019, Conservation staff have no objection to the application but would like the comments and recommendations noted as conditions in the development agreement. In review of the RVCA's digital information, there did not appear to be any unstable slopes, steep slopes, wetlands or floodplain hazards. Rideau Conservation reviewed the application for natural hazard and natural heritage features of the PPS, as well as Ontario Regulation #174/06 (Development Interference with Wetlands and Alterations to Shorelines and Watercourses) and the Source Water Protection Plan and the Tay River – Crow Lake Catchment Report.

Public Comments – Comments have been received from two neighbours to the west of the subject lands. Concerns raised pertain to the increase in height of the proposed garage with loft will significantly impact the aesthetics of their lands and use and enjoyment of their cottage. They have noted that the increase in height of the garage is out of balance with the neighbouring buildings. Concern was also raised that the garage will be the largest building in the immediate area and will be unsightly. Concern was raised with the garage in proximity to the hydro corridor. There is a family of Screech owls in the area that will be disturbed and that small animals in their green space will be driven out with the addition of the building.

Conclusion

The proposed application to permit the construction of a detached garage with loft on the property located at Part Lots 33 and 34, Concession 5, Being Part 1 on Plan 13R-15166 and Parts 1-4 on Plan 13R-17510, District of Bedford, Township of South Frontenac, 295B Alf Patterson Lane, Crow Lake meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan as the proposed construction is consistent with the 2014 Provincial Policy Statement including Section 2.1



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Natural Heritage which then meets the intent of the Official Plan. The proposed construction will occur at a location that will not impact the natural features as supported by the RVCA.

- The variance conforms to the general intent and purpose of the Zoning Bylaw as the proposed detached garage with loft provides appropriate uses contained within the structure. No work is proposed to the existing cottage located along the waterfront.
- The variance is desirable for the appropriate development of the lands in question as the construction will not negatively impact the water quality of Crow Lake and is supported by the Rideau Valley Conservation Authority, with implementation of the recommendations and conditions in an development agreement. The Conservation Authority 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. There is no negative impact on the natural hazard and heritage features. In review of the location of the proposed garage, there is significant tree cover to screen the garage from neighbouring properties to the west. There are no neighbours that look onto the proposed garage and the garage will not obstruct the neighbours view of the water.
- The variance is minor as the proposed construction is not anticipated to impact the character of the waterfront and seeks to maximize the proposed footprint of the structure while recognizing the location of the existing cottage, outbuildings, existing hydro lines, septic system and well configuration. The increased height will reduce the requirement of additional structures on the property.

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 to permit the increase in the maximum allowable height for an accessory building from 19.7 feet (6 metres) to 27.7 feet (8.4 metres) consistent with the drawings submitted with the application (MV08-19-B).
2. The applicant shall enter into a development agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters outlined in the April 1, 2019 letter from the Rideau Valley Conservation Authority:
 - Sediment and erosion controls between the construction area and Crow 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 Crow Lake at a proper disposal site.
 - Existing vegetation shall be maintained on site during construction. Removal of any vegetation shall be replaced in consultation with the Township.
 - Should any work be undertaken along the shoreline of Crow Lake, 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).
3. The Owner shall ensure that development of the detached garage with loft is located outside the regulated setback to the existing hydro line corridor as per the regulations of the service provider.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



4. Minor variance MV-08-19-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
5. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

Submitted by: Trudy Gravel, CPT, AMCT, Planner, Township of South Frontenac

Approved by:

Claire Dodds, MCIP, RPP, Director of Development Services, Township of South Frontenac

Attachments: Map of Finlay & Catana property.



KFL&A
Public Health

REQUESTS FOR COMMENTS

Environmental Health Department

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

To:	Ms. Megan Rueckwald Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON K0H 2T0
Application Number:	MV-08-19B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Finlay, Stephen and Catana, Sandra
Location:	Part Lots 33 and 34, Concession 5, Bedford, 295B Alf Patterson Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objection to the proposed minor variance as the owners have submitted an application under permit number BE-2-19.
Inspector:	 _____ Sarah van Dijk, CPHI(C), Public Health Inspector
Date:	April 26, 2019

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

April 1, 2019
19-SFR-MVA-0007 (BEDFORD)

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

Attention: Michelle Hannah

Subject: **FINLAY, Stephen & CATANA, Sandra**; Application **M-08-19-B** – 295B Alf
Patterson Lane, Part Lot 33 & 34, Concession 5; Former Township of Bedford,
Now the Township of South Frontenac; Roll Number: 1029030020694000000

Dear Ms. Hannah,

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 – Crow Lake Catchment Report;
- The Mississippi-Rideau Source Protection Plan;

The Proposal

The RVCA understands this proposal to be an application for a minor variance to seek relief from Section 10.3.2 of the Township of South Frontenac’s Zoning By-law to permit an increase in the maximum allowable height for an accessory building from 19.7 feet (6 metres) to 27.7 feet (8.4 metres). The RVCA further understands that the structure for which relief is sought will be setback from the normal high water mark of Crow Lake approximately 199 feet (60 metres).

The Property

The subject property is indicated as being approximately 2 hectares in area with a road

frontage of 171 metres and a water frontage of 76 metres. It has an average depth of 182 metres.

The subject property is located adjacent Crow Lake. A review of the subject property did not indicate the presence of any unstable slopes, wetlands, nor flooding or erosion hazards.

Review Comments

Provincial Policy Statement

The RVCA is satisfied that sections 2.1, 2.2 and 3.1 of the PPS are adequately addressed as a result of this application.

Ontario Regulation 174/06

The applicants should be aware that Crow Lake is regulated as a watercourse under Ontario Regulation 174/06. As such, should any modifications to the shoreline 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.

Tay River – Crow Lake Catchment Report

Within this catchment, the water quality index is indicated as being good to very good in accordance with the Provincial Water Quality Objectives (PWQO). This is the result of low nutrient levels, such as phosphorus and nitrogen, which are consistently below PWQO levels. Crow Lake is known as a lake trout lake, and may be more sensitive to changes, especially activities that may deplete the supply of oxygen within the lake. Efforts to avoid adding nutrients, such as shoreline planting, proper maintenance of septic systems and the use of phosphate-free soaps should be undertaken wherever possible.

Source Water Protection

The subject property is 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.

Recommendations

The RVCA would recommend that the owners of the recipient lots 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 or 613-692-3571 x 1192) at our Manotick office.

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 Crow 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 Crow 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 one be required as a result of this development:

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

Conclusions

In conclusion, The Rideau Valley Conservation Authority has no objection to the subject 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 – Stephen Finlay, owner
cc – Joanne McGurn, KFLPHA
cc – M. Rueckwald, Frontenac County

April 5, 2019

re: File No. MV-08-19-B

80 Stoneboat Lane,
Maberly, Ontario K0H2B0

To Michelle Hannah,
Secretary-Treasurer , Committee of Adjustment
Township of South Frontenac

I am writing to object to increasing the height for an accessory building from 19.7m to 27.7m on 295B Alf Patterson Lane.

This garage is going to be the largest building in the immediate area in spite of being an accessory building. I believe adding height will make it look unsightly.

The hydro corridor runs through where this garage will be located.

We have a lovely family of Screech owls which live in the trees here and it will disturb them greatly even without the extra height. I fear that the many small animals that inhabit our green space are being driven away by the addition of large buildings.

Considering the environmental impact of this building, I strenuously object to any extra height.

Sincerely,

Joan Jolliffe

April 11, 2019

Michelle Hannah
Secretary-Treasurer, Committee of Adjustment Township of South Frontenac

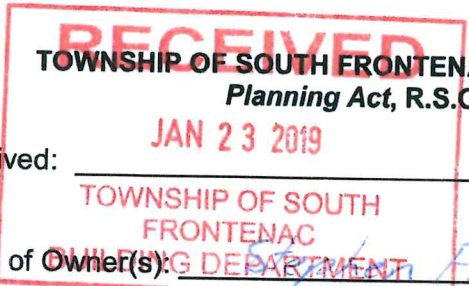
Dear Ms. Hannah,

Our cottage property, 88 Stoneboat Lane, abuts the Finlay property whose application for a minor variance to increase the height of the proposed garage/loft/outbuilding will significantly impact the aesthetics of our land, and the use and enjoyment of the cottage. The request for an increase in height to this 'garage' is totally out of balance with neighbouring buildings on either side of 295B Alf Patterson Lane.

Yours truly,

Lynda Hockey

*determined complete
March 1, 2019.



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

Date Received: _____

File No: MV-08-19-B

1. Name of Owner(s): Stephen Finlay & Sandra Catana

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: 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: 5 Lot Number: lots 33 and 34

Street Number: 295B Name of Road/Street: Alf Patterson Lane

Reference Plan Number: 13R-15166 Part Number(s): Part 1, 3, 4, 2

Roll Number: 1029-030-020-69400-0000

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): 249.56 feet Frontage (on road/lane): 563.68 feet (Alt Patterson)
Depth: 645.76 feet (on one side) Area: Approximate 5 Acres
561.90 feet (on other side)

5. The current zoning of the subject land:

RLSW Limited Services Residential Waterfront

6. The nature and extent of the relief from the Zoning By-law:

Building a garage with loft. Current height limit is 19.7 feet. Requesting 27.7 height max (increase of 8 feet)

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

I would like the loft to be useable space. However, the height restriction would not allow me to stand in loft.

8. Does the subject property front on a municipally maintained road? Yes No
OR a privately maintained road? Yes No

Name of Road/Lane:

Alt Patterson 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?

Cottage - Primarily seasonal use currently

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes No

(shown on drawings provided)

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	<u>SHEED</u> (To be removed)	SHEED	
Setback from Front Lot Line	33 feet From High Water	80 feet	105 feet	
Setback from Rear Lot Line	Approx 565 feet	Approx 518	Approx 493	
Setback from Side Lot Line	71 feet 114 feet	50 feet 140 feet	72 feet	
Height of Building (Also indicate if it is one story or two story)	19 feet 2" One story	12 feet	134 feet	
Dimensions of Floor Area	1350 ^{Sq} feet	80 feet	110 sq feet	
Setback from High Water Mark (If applicable)	33 feet	33 feet 80 feet	105 feet	

13. The proposed uses of the subject land:

Garage - store boats, ATV's + use for hobby

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	Garage 199 feet			
Setback from Rear Lot Line	337 feet Approximately			
Setback from Side Lot Line	31 feet at closest point			
Height of Building (Also indicate if it is one story or two story)	27.7 feet Max Garage with loft			
Outside Dimensions of Building/Structure	40 feet across 28 feet deep			
Setback from High Water Mark (If applicable)	199 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:

One shed will be removed once garage built

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 checked="" type="checkbox"/> Yes | <input 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:

1999

20. The date the existing buildings and structures were constructed on the subject lands:

Original Cottage guess is 1970? renovated 2015 / shed 2007

21. The length of time that the existing uses of the subject land have continued:

Not sure of cottage history. Has been only used as a cottage.

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:

A lake is used for 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:

Privately owned individual 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.

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.

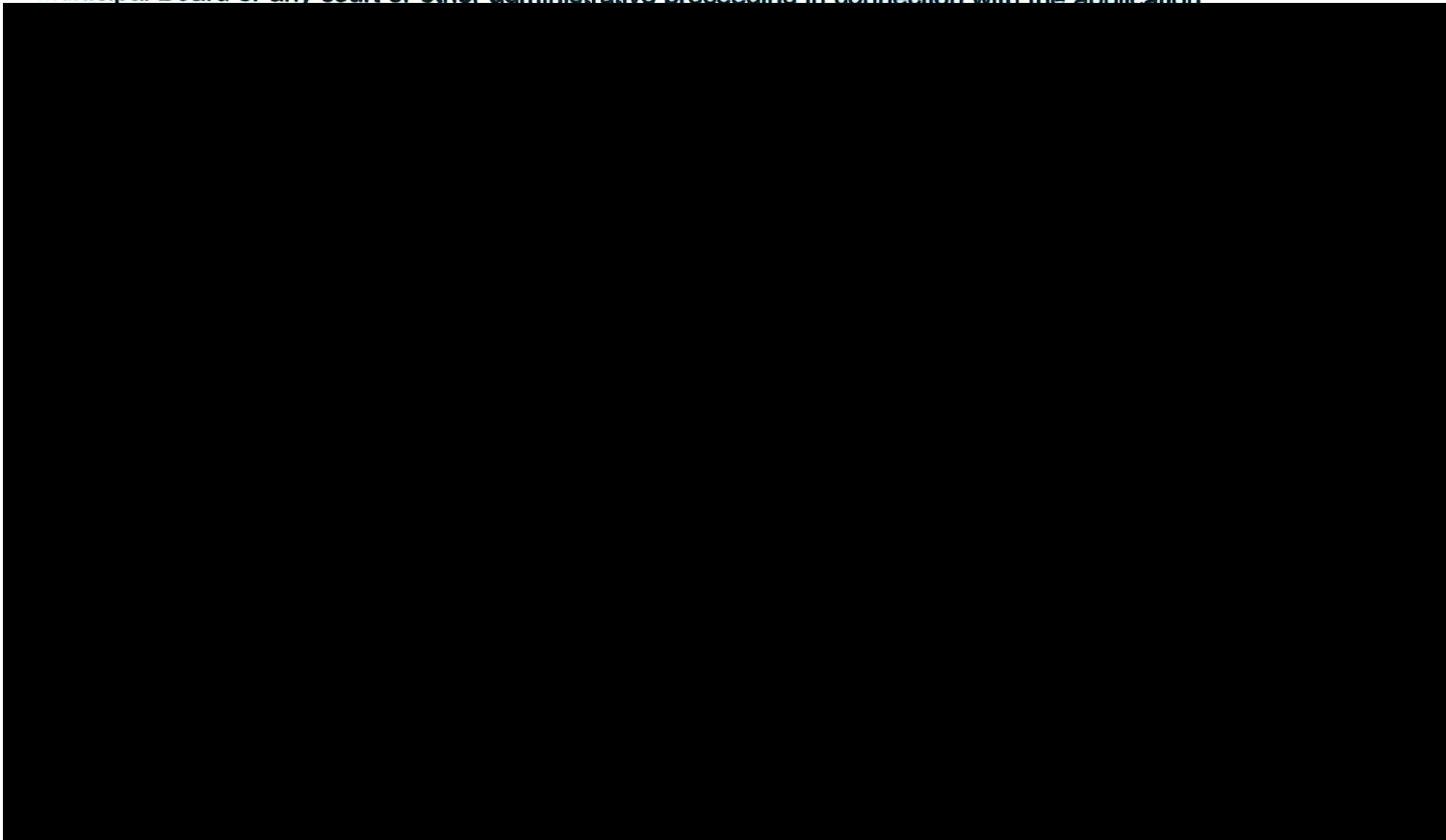
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for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

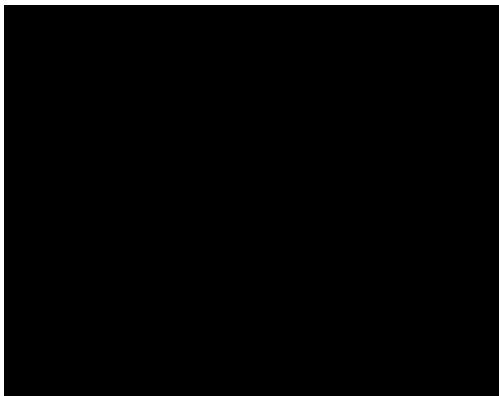
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal 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,

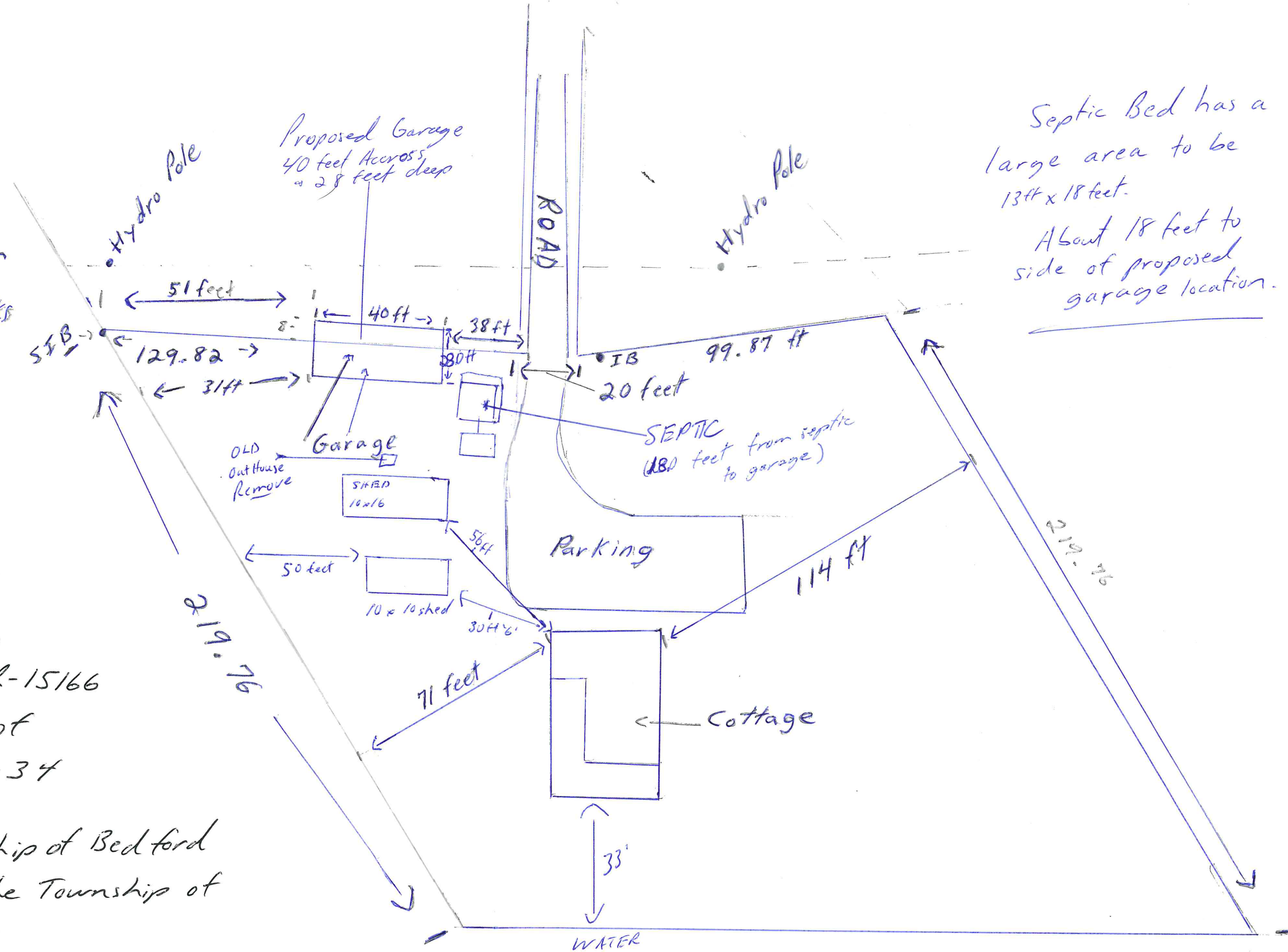
The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the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





* Garage to Hydro line 16 feet + 15 feet on other side allows over 30 feet for hydro trucks

Septic Bed has a large area to be 13ft x 18 feet.
 About 18 feet to side of proposed garage location.







Legal Description
 Registered Plan 13R-15166
 Plan of Survey of
 Parts of Lots 33+34
 Concession 5
 Geographic Township of Bedford
 Municipality of the Township of
 South Frontenac
 County of Frontenac
 Owner: Steve Finlay



**FINLAY & CATANA
MV-08-19-B**




295B ALF PATTERSON LN

Legend

-  Proposed Garage
-  Existing Structure
-  Findlay & Catana Property
-  Waterbody

Roads

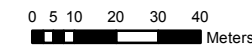
Road Classification

-  ARTERIAL
-  EXPRESSWAY / HIGHWAY
-  LOCAL / STREET

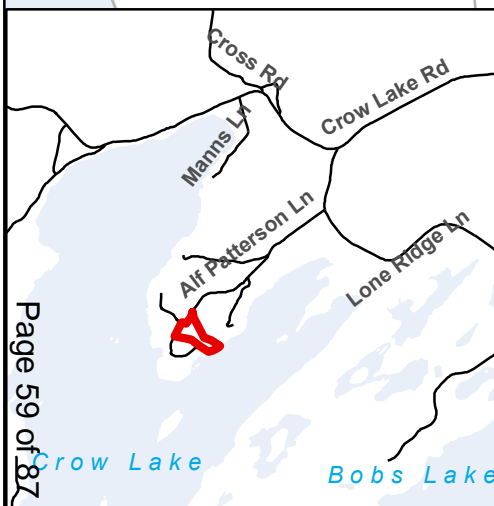
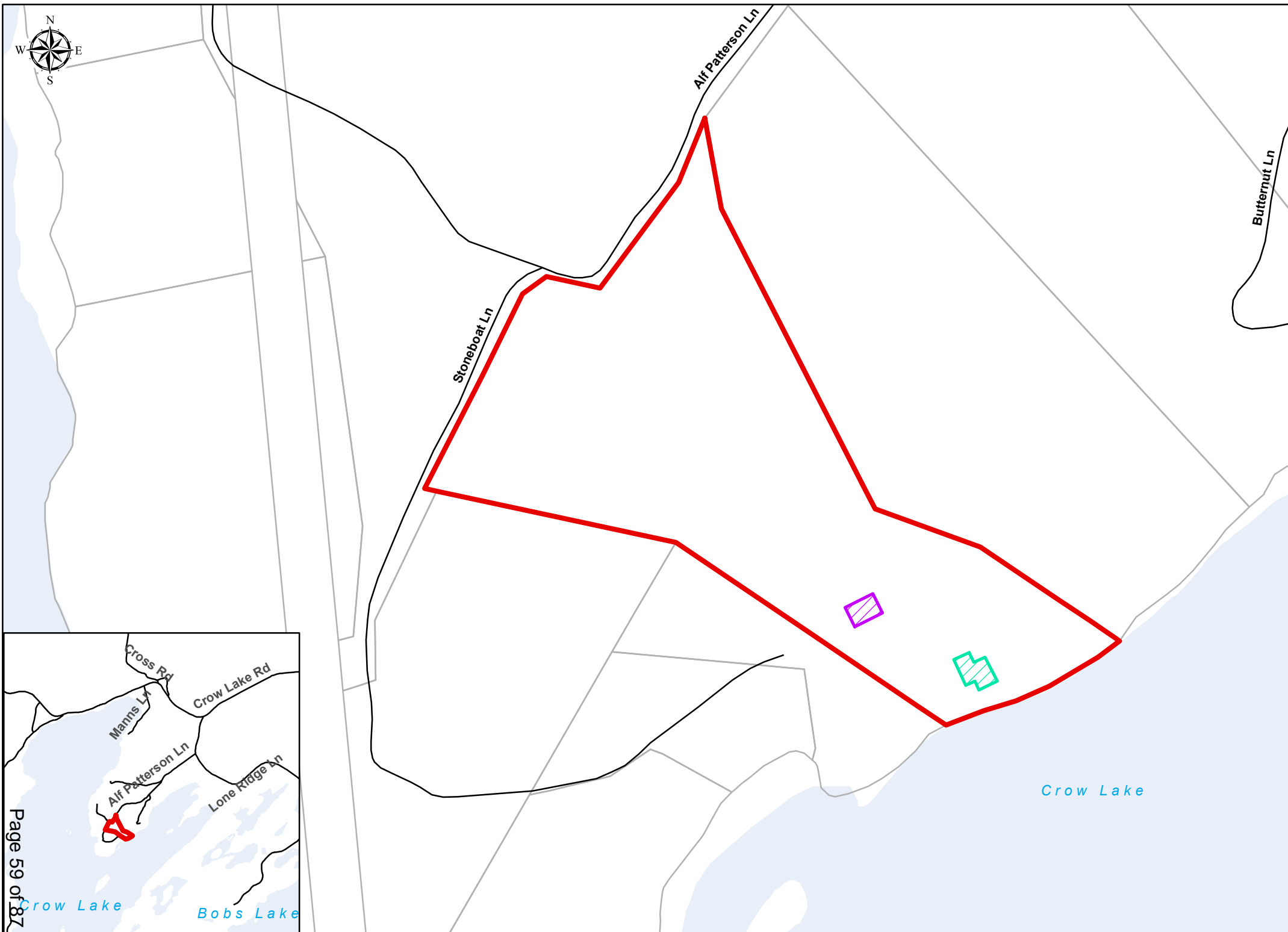
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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 1:1,800



UTM Projection NAD 83





REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



MINOR VARIANCE – PLANNING REPORT

Report Date: May 3, 2019

Application No: MV-07-19-B

Owner: Jean Faucher

Location of Property: Part Lot 34, Concession 5, R-Plan 13R19133, District of Bedford, Township of South Frontenac, municipally known as 158 Lone Ridge Lane, Crow Lake

Purpose of Application: To vary Section 5.24.2 of the Township of South Frontenac Zoning Bylaw to permit the construction of an accessory building, being a detached garage, in the front yard of a waterfront property that contains an existing residential dwelling in the Limited Services Residential Waterfront (RLSW) Zone

Date of Hearing: May 9, 2019

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-07-19-B, subject to conditions.

Proposal

An application for minor variance has been submitted to permit the construction of a detached garage on a property that contains an existing residential dwelling at 158 Lone Ridge Lane, Crow Lake. Relief is being sought to vary Section 5.24.2 of the Township’s Comprehensive Zoning By-Law to permit an accessory building, which is not part of the main building, to be projected into the front property line for a garage located in the Limited Services Residential Waterfront (RLSW) Zone. The owner is required to obtain a minor variance from the South Frontenac Committee of Adjustment prior to proceeding with the construction of the detached garage.

The property is located at Part Lot 34, Concession 5, R-Plan 13R19133, District of Bedford, Township of South Frontenac, municipally known as 158 Lone Ridge Lane, Crow Lake (see attached map). The subject lands are located along the North Basin of Crow Lake and is accessed by Lone Ridge Lane, a private road which is accessed from Oak Bluffs Road to the northeast. The property is approximately 2.48 acres (1.0ha) with approximately 462 feet (140.82 metres) of water frontage and 394 feet (120 metres) of frontage on Lone Ridge Lane. The property is currently serviced with an existing septic system to the south of the dwelling and well to the north of the house.

The existing dwelling was constructed by the owner in June 2017. The proposed detached garage will be constructed in the approximate location of the temporary garage structure located to the north of the dwelling.

The applicants are seeking relief from the Zoning Bylaw to permit to vary Section 5.24.2 of the Township of South Frontenac Zoning Bylaw to permit the construction of an accessory building, being a detached garage, in the front yard of a waterfront property that contains an existing residential dwelling located in the Limited Services Residential Waterfront (RLSW) Zone.

A minor variance is required to construct a detached garage in the front yard:

1. Section 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.

Requested variance:

- a. To permit an accessory building which is not part of the main building in the projected front yard of the main building for a property that contains an existing residential dwelling in the Limited Services Residential Waterfront (RLSW) Zone.



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 approximately 2.48 acres (1.0ha) with approximately 462 feet (140.82 metres) of water frontage on Crow Lake and 394 feet (120 metres) of frontage on Lone Ridge Lane. The property has an existing well to the north of the dwelling and an existing septic system is located to the west side of the dwelling. A site visit of the property was undertaken in March 2019. The applicant submitted the minor variance application on February 26, 2019 and had requested that the application be brought forward to the Committee of Adjustment for the May 9, 2019 meeting given that he would be away.

The existing dwelling was constructed in June 2017 by the current owners who also make use of a temporary garage structure. The applicant would like to construct a detached garage in the location of the temporary garage location. Given the topography of the subject lands and the location of Lone Ridge Lane, the detached garage can be accommodated in the front yard setback of the lot adjacent to the existing driveway.

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 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 application was circulated to the Rideau Valley Conservation Authority for review and have indicated that they are satisfied that Sections 2.1 and 2.2 of the PPS are adequately addressed through conditions of development.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Staff at the RVCA have reviewed Section 3.1 of the PPS and have indicated that there may be a possibility that natural hazards are present within the meaning of this section based on the 45% slope on the subject property. However during a site visit the location of the proposed garage was indicated as being on top of bedrock and approximately 7 metres from the top of slope. Through discussions with technical experts, it is the opinion of staff that because neither active erosion nor rock slides were observed, and the fact that the garage will be constructed on bedrock, the potential for slope stability hazards are minimal. In addition, the proposed garage is 24' x 24' slab-on-grade construction and located 60 metres from the high water mark of Crow Lake.

Staff at the RVCA were unable to observe the presence of any fractured bedrock or karst topography. To mitigate against these hazards, it is recommended that a condition be included that if these features are encountered during site preparation that a qualified geotechnical engineer will need to be consulted in order of satisfying Section 3.1 of the PPS.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



South Frontenac 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 Rural Limited Service Residential Policies permit rural residential uses as permitted uses within the designation in addition to seasonal uses. KFL&A Public Health were not circulated the application as the existing septic system is located southeast of the existing residential dwelling and proposed garage and will continue to accommodate the existing cottage with no additional fixtures proposed.

South Frontenac Zoning By-law: Limited Service Waterfront Residential (RLSW)

The property is zoned Limited Service Waterfront Residential in the Township of South Frontenac Zoning Bylaw. The RLSW Zone permits residential development on waterfront property accessed by a private lane.

The request is to seek relief from the Zoning Bylaw to vary Section 5.24.2 of the Township of South Frontenac Zoning Bylaw to permit the construction of an accessory building, being a detached garage, in the front yard of a waterfront property that contains an existing residential dwelling located in the Limited Services Residential Waterfront (RLSW) Zone.

In reviewing the application, RVCA referred to Section 5.8.2 b. (note the RVCA letter incorrectly referenced Section 5.8.2.2) of the Zoning By-law which states that 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 slope was observed to be greater than 30% based on observations during the site visit. Any slope stability hazard is minimal based on consultation with technical review staff.

When considering if the application is minor, it is important to remember that the evaluation of minor is not solely a quantitative analysis, but rather the consideration of the impact of the proposed development. Planning staff are supportive of the request for zoning relief to permit an accessory building, which is not part of the main building, to be projected into the front property line being the waterfront. The proposed structure is outside the required 30 metres to the high watermark

Agency Analysis and Comments

KFL&A Public Health – The application was not circulated to Public Health given the nature of the application.

Rideau Valley Conservation Authority – Comments dated May 3, 2019 indicated that the RVCA have reviewed the application in review of Sections 2.1, 2.2 and 3.1 of the Provincial Policy Statement, Regulation 174/06, The Tay River – Crow Lake Catchment Report, the Mississippi-Rideau Source Protection Plan and the Rideau Lakes Study. The RVCA have no objections to the subject application and it is the opinion of staff that the requested minor variance is minor. The comments and recommendations will be included as conditions to the approval.

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 34, Concession 5, R-Plan 13R19133, District of Bedford, Township of South Frontenac, municipally known as 158 Lone Ridge Lane, Crow Lake meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan as 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 occur at a location that has been reviewed by the RVCA and any potential concerns can be addressed.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the proposed detached garage provides an appropriate use contained within the structure and will



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



be constructed outside the 30 metre setback to the highwater mark. No work is proposed to the existing cottage located on the subject lands.

- The variance is desirable for the appropriate development of the lands in question as the construction is supported by the Rideau Valley Conservation Authority, with implementation of the required conditions. The Conservation Authority 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 garage meets the setback to the highwater mark of Crow Lake.
- The variance is minor as the proposed construction is not anticipated to impact the character of the waterfront and seeks to maximize the proposed footprint of the garage while recognizing the location of the existing cottage, septic system and well. The proposed garage will be located closer to the lane in order of providing ease of access.

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.

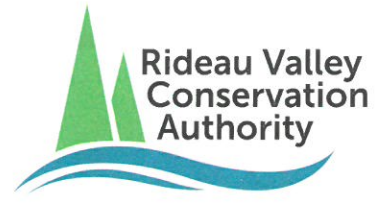
1. Minor variance is to permit an accessory building which is not part of the main building in the projected front yard of the main building for a property that contains an existing residential dwelling in the Limited Services Residential Waterfront (RLSW) Zone consistent with the drawings submitted with the application (MV07-19-B).
2. The applicant shall enter into a development agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters outlined in the May 3, 2019 letter from the Rideau Valley Conservation Authority:
 - Sediment and erosion controls between the construction area and Crow 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.
 - 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 Crow Lake at a proper disposal site.
 - Seek opportunity to naturalize the shoreline through planting shoreline vegetation.
 - Should the owner encounter fractured bedrock or karst topography during preparation of the building site, a geotechnical engineer shall be retained to verify that construction is still able/unable to proceed.
 - Should any work be undertaken along the shoreline of Crow Lake, 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).
3. Minor variance MV-07-19-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

Submitted by: Trudy Gravel, CPT, AMCT, Planner, Township of South Frontenac

Approved by:

Claire Dodds, MCIP, RPP, Director of Development Services, Township of South Frontenac

Attachments: Map of Faucher property.



May 3, 2019
19-SFR-MVA-0009 (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
Committee of Adjustment
P.O. Box 100
4432 George Street
Sydenham, ON
K0H 2T0

Attention: Michelle Hannah

Subject: **FAUCHER, Jean**; Application **M-07-19-B** – 158 Lone Ridge Lane, Part Lot 34, Concession 5; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029030020688050000

Dear Ms. Hannah,

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 – Crow Lake Catchment Report;
- The Mississippi-Rideau Source Protection Plan;
- The Rideau Lakes Study

The Proposal

The RVCA understands this proposal to be an application for a minor variance to seek relief from Sections 5.24.2 and 10.3.2 of the Township of South Frontenac’s Zoning By-law to permit the construction of a new garage within the front yard of the property.

The Property

The subject property is indicated as being approximately 0.97 hectares in area with a road frontage of 120 metres and a water frontage of 135 metres. It has an average depth of 90 metres.

The subject property is located adjacent Crow Lake, which is indicated as being a sensitive lake trout lake. A review of our records did not indicate the presence of any floodplain hazards, wetlands, organic soils or unstable slopes. Steep slopes have been identified on the subject property and it was noted that a slope has been delineated on the submitted site plan. From our estimates, it appears this slope is approximately 45%.

Review Comments

Provincial Policy Statement

The RVCA is satisfied that sections 2.1 and 2.2 of the PPS will be able to be adequately addressed through conditions of development associated with this development.

Regarding Section 3.1, there may be a possibility that natural hazards are present within the meaning of Section 3.1 of the PPS based on the 45% slope on the subject property. However, during a site visit the proposed location of the garage was indicated as being on top of bedrock and approximately 7 metres from the top of the slope. Through discussions with technical experts, it is the opinion of the reviewing planner that because neither active erosion nor rock slides were observed, and the fact that the proposed garage will be constructed on bedrock, the potential for slope stability hazards is minimal. In addition, the proposed garage is 24' x 24', will be constructed as slab-on-grade construction and located approximately 60 metres from the normal high water mark of Crow Lake.

What was unable to be observed was the presence of any fractured bedrock or karst topography. To mitigate against these hazards, the reviewing planner would recommend that a condition of any decision by the Committee be the inclusion of wording indicating that these features have not been encountered, but if they are during site preparation, a qualified geotechnical engineer will need to be consulted. Should this approach be acceptable, our office is of the opinion that Section 3.1 of the PPS can be addressed.

Ontario Regulation 174/06

The applicants should be aware that Crow Lake is regulated as a watercourse under Ontario Regulation 174/06. As such, should any modifications to the shoreline 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.

Tay River – Crow Lake Catchment Report

Within this catchment, the water quality index is indicated as being good to very good in accordance with the Provincial Water Quality Objectives (PWQO). This is the result of low nutrient levels, such as phosphorus and nitrogen, which are consistently below PWQO levels. Crow Lake is known as a lake trout lake, and may be more sensitive to changes, especially activities that may deplete the supply of oxygen within the lake. Efforts to avoid adding nutrients, such as shoreline planting, proper maintenance of septic systems and the use of phosphate-free soaps should be undertaken wherever possible.

Source Water Protection

The subject property is 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.

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 confirm that the slope is greater than 30% based on observations during the site visit. However, as mentioned above, the reviewing planner is of the opinion that any slope stability hazard is minimal based on consultation with technical review staff.

The Rideau Lakes Study

The Rideau Lakes Study scoring system was employed during the site visit. Based on our visit, shallow soils (<50cm) were encountered on site. The soil texture appeared to be silty sand. The slope of the subject property was approximately 45% and the vegetative cover can be described as slightly disturbed woodlands and shorelands. Based on these parameters, a score of 26 was calculated which gives a recommended setback of 70 metres. However, it should be noted that the existing house is approximately 60 metres setback of the normal highwater mark of Crow Lake and that the proposed garage would be roughly in-line with this setback.

Recommendations

Should the Township allow the variance, the RVCA would have the following recommendations for conditions of any implementing agreement or as conditions of the variance in the absence of an agreement:

- Sediment and erosion controls between the construction area and Crow 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 15 metres or more from the top of the slope 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.

- A condition should indicate that while the presence of unstable soils or slopes is unlikely, should fractured bedrock or karst topography be encountered during preparation of the building site, a geotechnical engineer shall be retained to verify that construction is still able to proceed or not as the case may be.
- The following statement should be included in any agreement, should one be required as a result of this development:

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

Conclusions

In conclusion, The Rideau Valley Conservation Authority has no objection to the subject application and it is the opinion of the reviewing planner that the requested variance is minor. 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 – Jean Faucher
cc – Joanne McGurn, KFLPHA
cc – M. Rueckwald, Frontenac County

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

Date Received: Feb. 26, 2019

File No: MV-07-19-B

1. Name of Owner(s): JEAN FAUCHER

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: 5 PT Lot Number: 34 PT

Street Number: 158 Name of Road/Street: LOVE RIDGE LANE

Reference Plan Number: 13R-19133 Part Number(s): A1

Roll Number: 030-020-68805-000

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): 462' Frontage (on road/lane): 384'
Depth: 346' Area: 53 M²

5. The current zoning of the subject land:

Residential

6. The nature and extent of the relief from the Zoning By-law:

Building a garage between house and waterfront but still more than the 100' setback i.e. 170' setback

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

It is the only location flat that does not violate a setback from lane or property line

8. Does the subject property front on a municipally maintained road? Yes No
OR a privately maintained road? Yes No

Name of Road/Lane:

Lone Ridge 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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	House			
Setback from Front Lot Line	250'			
Setback from Rear Lot Line	40'			
Setback from Side Lot Line	70'			
Height of Building (Also indicate if it is one story or two story)	1 story			
Dimensions of Floor Area	1500 ²			
Setback from High Water Mark (If applicable)	250'			

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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	GARAGE			
Setback from Front Lot Line	170'			
Setback from Rear Lot Line	40'			
Setback from Side Lot Line	250'			
Height of Building (Also indicate if it is one story or two story)	15' 7 3/4" 1 story			
Outside Dimensions of Building/Structure	24' x 24'			
Setback from High Water Mark (If applicable)	170'			

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:

18 OCT 2016

20. The date the existing buildings and structures were constructed on the subject lands:

June 2017

21. The length of time that the existing uses of the subject land have continued:

~~#~~ 17 months.

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 & operated individual 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:

privately owned septic system

24. Is storm drainage provided by sewers, ditches, swales or by other means?

ditches & natural

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

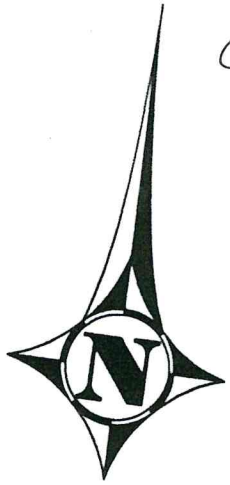
28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

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. *None*
- 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.

Garage to water 170'
Garage to well 65'



CROW LAKE

WATER'S

CONTROLLED

IB (1352)

SIB (1352)

PART 1
PLAN 13R-19133
P.I.N. 36238-0411(LT)

GARAGE

5

IB (MPS)

SSIB (MPS)

RPL (MPS)

SSIB (MPS)

PART 2
PLAN 13R-19133

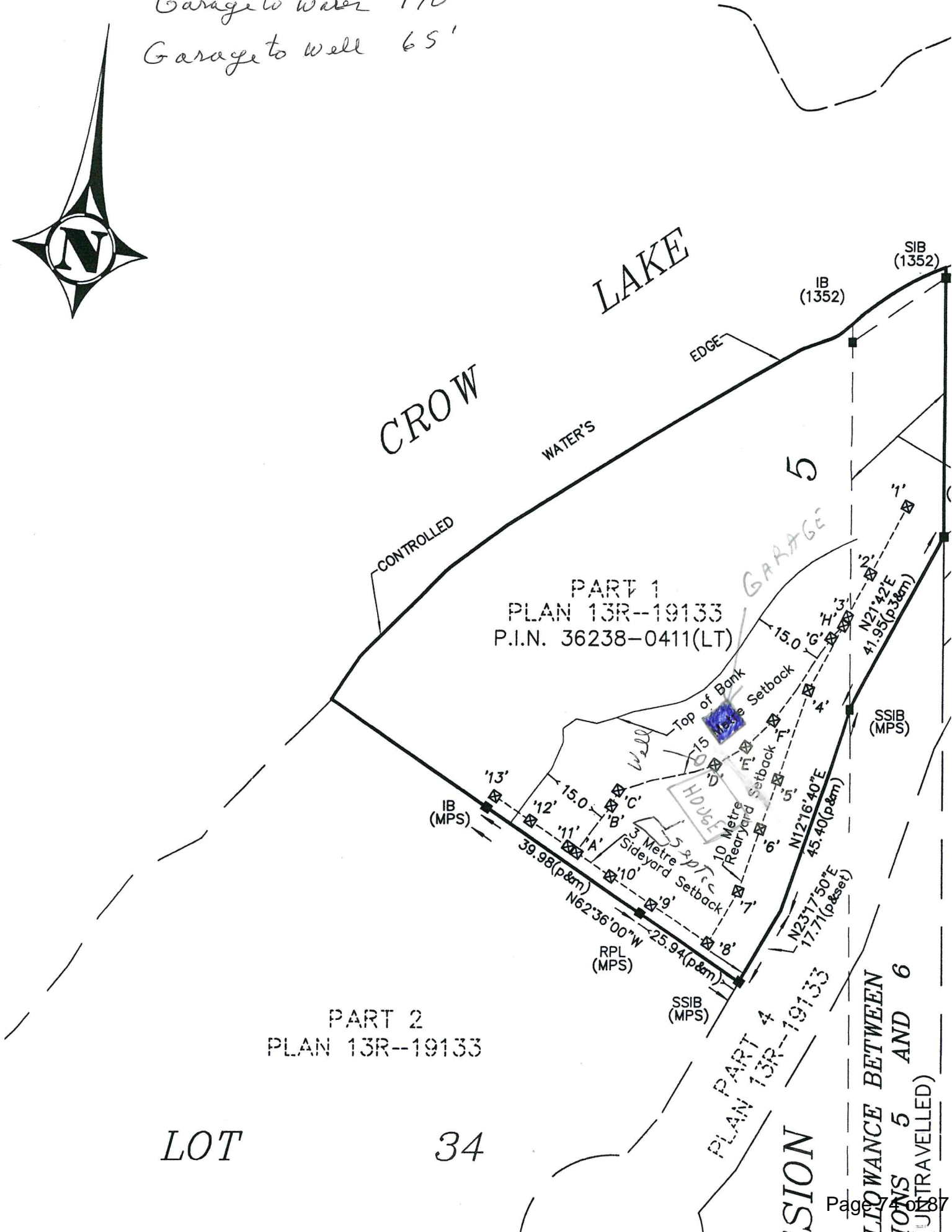
LOT

34

PLAN PART 4
PLAN 13R-19133

SION

LIQUANCE BETWEEN
TOWNS 5 AND 6
(UNTRAVELLED)





**FAUCHER
MV-07-19-B**

158 LONE RIDGE LANE

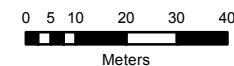
Legend

-  Faucher Property
-  Provincially Significant Wetlands
-  Waterbody

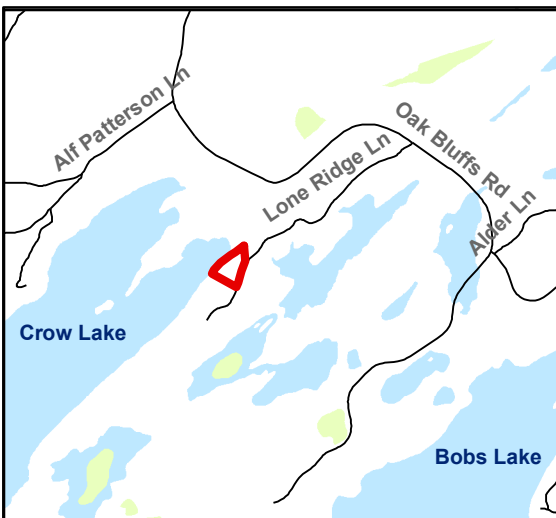
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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 1:1,500



UTM Projection NAD 83





REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



MINOR VARIANCE – PLANNING REPORT

Report Date: May 1, 2019

Application No: MV-10-19-L

Owner: Dan & Claire Zanetti

Location of Property: Part Lot 1, Concession 13, Being Lot 1, Plan 1901, District of Loughborough, Township of South Frontenac, municipally known as 2359 Meredith Lane, Mink Trap Lake (Sigsworth Lake)

Purpose of Application: To vary Section 5.8.2 a. Flooding and Shoreline Erosion Hazards and Section 8.3.3 of the Waterfront Residential Zone for a property located in the Waterfront Residential (RW) Zone of the Township of South Frontenac Zoning Bylaw to allow for the demolition and reconstruction to an existing cottage within 30 metres (98.4 ft) to 22 metres (72.18 feet) to the highwater mark.

Date of Hearing: May 9, 2019

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-10-19-L for the request to allow for the demolition and reconstruction to an existing cottage within 30 metres (98.4 ft) to 22 metres (72.18 feet) to the highwater mark until the concerns raised by KFL&A Public Health Staff have been addressed to the satisfaction of KFL&A Public Health for the subject property.

Proposal

An application for a minor variance has been submitted for the property located at Part Lot 1, Concession 13, Being Lot 1, Plan 1901, District of Loughborough, Township of South Frontenac, municipally known as 2359 Meredith Lane, Mink Trap Lake (Sigsworth Lake) (see attached map). The minor variance application has been submitted for the request to allow for the demolition and reconstruction to an existing cottage within 30 metres (98.4 ft) to 22 metres (72.18 feet) to the highwater mark. The request is to permit the demolition and reconstruction of the living room and den at the north side of the cottage and main floor bedroom and rear foyer at the southeast corner of the cottage. The subject property contains an existing two storey cottage within 30 meters of the water's edge on an elevated lot along Mink Trap Lake (Sigsworth Lake).

A site inspection was undertaken by a staff member of KFL&A Public Health on May 2, 2019 and noted that the existing septic system was not installed in accordance with the Ontario Building Code requirements. The applicant had proposed to utilize the existing septic system. It was noted that the well was 7 metres from the septic tank (the minimum requirement is 15 metres.) Due to the limited space on the property and the clearance distance from the well, concern was raised as to whether a compliant sewage system could be accommodated. Based on the initial review, Public Health staff has determined that they cannot provide approval for the Minor Variance at this time. It is recommended that further investigation and discussion occur in order to determine a resolution.

Once the concerns of KFL&A Public Health staff have been addressed, a detailed report will be prepared with a planning analysis and recommendation which will be brought forward to a future Committee of Adjustment meeting for discussion and approval.

Submitted by:

Trudy Gravel, CPT, AMCT, Planner, Township of South Frontenac

Approved by:

Claire Dodds, MCIP, RPP, Director of Development Services, Township of South Frontenac

Date of Site Visit: April 26, 2019

Attachments:

Map of Zanetti property.

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0090-2019

Municipality:	Township of South Frontenac		
Owner:	Claire Zanetti		
Location:	2359 Meredith Lane	Part Lot 1, Concession 13	Loughborough
Roll #:	1029-040-050-02745-00000		
Application Description:	Minor Variance Appl'n File No. MV-10-19-L	Reduce the setback from the high water mark from 30 metres to 22 metres to allow for the demolition and reconstruction of a cottage with two new additions. It is understood that the existing septic system will service the proposed development.	
Regulated Features:	Sigsworth Lake and watercourse and associated wetlands draining into the Lake		
Comments:	<p><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></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. <u>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 of any flood hazard on the subject lands.</u></p> <p><u>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)</u></p> <p>The subject lands lie within the regulated area of Sigsworth Lake and a watercourse and associated wetlands which drain into the Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses).</p> <p><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 seasonal high water mark of the Lake, and within 30 metres of the seasonal high water mark/top of bank adjacent to the watercourse, and within 30 metres of the wetland boundary (whichever is greater).</u></p> <p><u>Quinte Region Source Protection Plan</u></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act, 2006</i> 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. <u>As such no Section 59 Clearance Notice is required.</u></p> <p><u>Planning Act - Natural Heritage policies of the Provincial Policy Statement</u></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. <u>Staff are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement.</u> The proponent may wish to contact the Ministry of Natural Resources and Forestry for further information.</p>		

**Final
Comments:**

Quinte Conservation has no objection to the application as presented.



Sam Carney
Planning and Regulations Technician

April 24, 2019

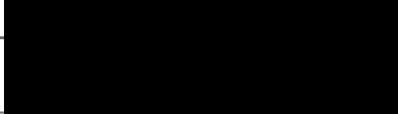
Date

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

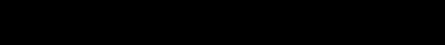
Date Received: April 9, 2019

File No: MV-10-19-L

1. Name of Owner(s): Claire Zanetti

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: Dan Zanetti

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.



3. The description of the subject land: District: Loughborough

Concession Number: _____ Lot Number: LOT 1

Street Number: 2359 Name of Road/Street: Meredith Lane

Reference Plan Number: 1901 Part Number(s): _____

Roll Number: 040-050-02745-0000

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): 635 feet Frontage (on road/lane): 1046 feet
Depth: 406.78 Feet Area: 5.80 Acres

5. The current zoning of the subject land:

Residential *Waterfront*

6. The nature and extent of the relief from the Zoning By-law:

Section 5.8.2 Update to building height on two sides of main structure.

Section 8.3 rural waterfront - 8 metres encroachment on 30 metre setback

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

Existing building was built in 1992 and is only 23 metres back from high water mark. Current lower loft bedroom is non-functional at 65 sq. ft. Propose to add 141 sq.ft bedroom on main floor in front of existing bathroom with new roof line but with no additional encroachment.

Existing living room and lower loft structure is in poor repair as it predates main structure by 25 years. Propose removal of existing 177 sq.ft structure and build replacement 411 sq. ft structure (living room and den) with new roof structure. This addition is a further 1 m encroachment. Also adding 121 sq. ft. foyer at rear of building with no additional encroachment.

8. Does the subject property front on a municipally maintained road? No
OR a privately maintained road? Yes

Name of Road/Lane:

Meredith 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?

Three season recreational cottage.

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
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12. If the answer to item 11 is yes, for **EACH building or structure** indicate:

Type of Structure (E.g. residence)	(1) Cottage	(2) Shed	(3)	(4)
Setback from Front Lot Line	23 metres	51 metres		
Setback from Rear Lot Line	112 metres	87 metres		
Setback from Side Lot Line	21.35 metres	18.9 metres		
Height of Building (Also indicate if it is one story or two story)	Two Storey 17 feet 10 in (24 feet to roof line)	9 feet		
Dimensions of Floor Area	First floor 40.6 ft X 20.1 ft 2nd floor 32.3 ft X 20.1 ft Irregular Total 832 sq.ft	6 ft X 8 ft		
Setback from High Water Mark (If applicable)	23 metres	51 metres		

13. The proposed uses of the subject land: 3 season recreational 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

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) Cottage addition Living Room & Den	(2) Cottage addition Main floor bedroom	(3) Cottage addition Rear Foyer	(4)
Setback from Front Lot Line	22 metres	30 metres	30 metres	
Setback from Rear Lot Line	112 metres	112 metres	112 metres	
Setback from Side Lot Line	24 metres	21 metres	24 metres	
Height of Building (Also indicate if it is one story or two story)	One Storey Cathedral ceiling 17 ft 10 in	One Storey Cathedral ceiling 14 ft	Two Storey Cathedral ceiling 17 ft 10 in	
Outside Dimensions of Building/Structure	27' -2" X 16'-1"	11'-0" x 14'-1"	7' -0" x 15'-9"	
Setback from High Water Mark (If applicable)	22 metres	24 metre	30 metres	

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

If yes, please provide details: Remove existing living room and lower loft.
Remove existing front porch.

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? No

18. What are the uses of the proposed development?

- | | |
|--|-----|
| (a) Increase in number of bedrooms | No |
| (b) Increase in plumbing fixtures | No |
| (c) Increase in living space | Yes |
| (d) Will the addition or structure encroach on the existing septic system? | No |

19. The date the subject land was acquired by the current owner: Sept 28, 2018

20. The date the existing buildings and structures were constructed on the subject lands:
Main structure 1992. Living Room and lower loft were salvaged from 50 year old structure.

21. The length of time that the existing uses of the subject land have continued:
Since 1992 previous owner lived year round. Now intended for 3 season use.

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 on property

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?

Storm drainage by swales and grading.

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.

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).

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
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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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC



Minor Variance Sketch

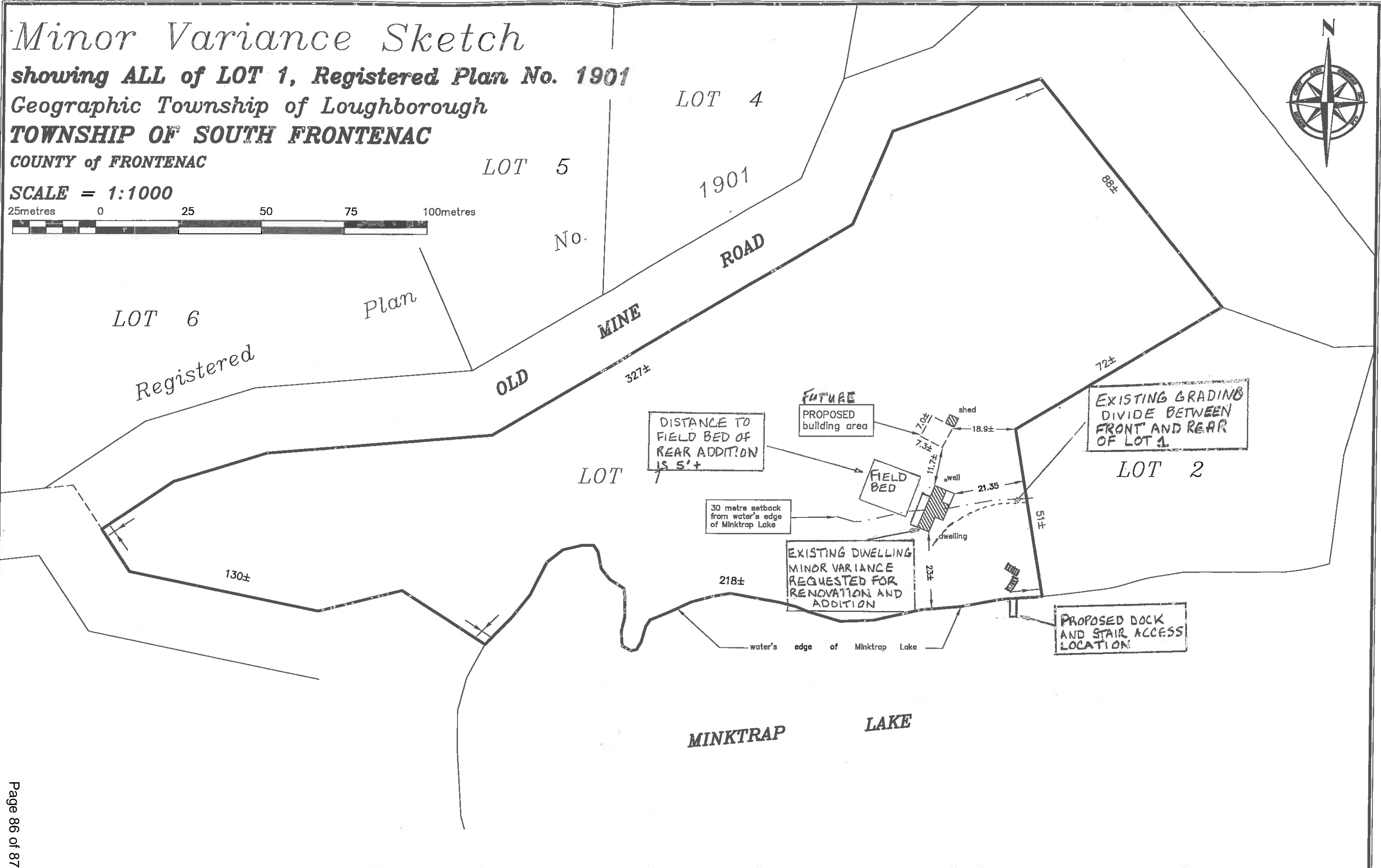
showing ALL of LOT 1, Registered Plan No. 1901

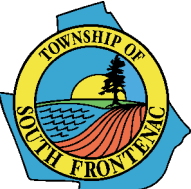
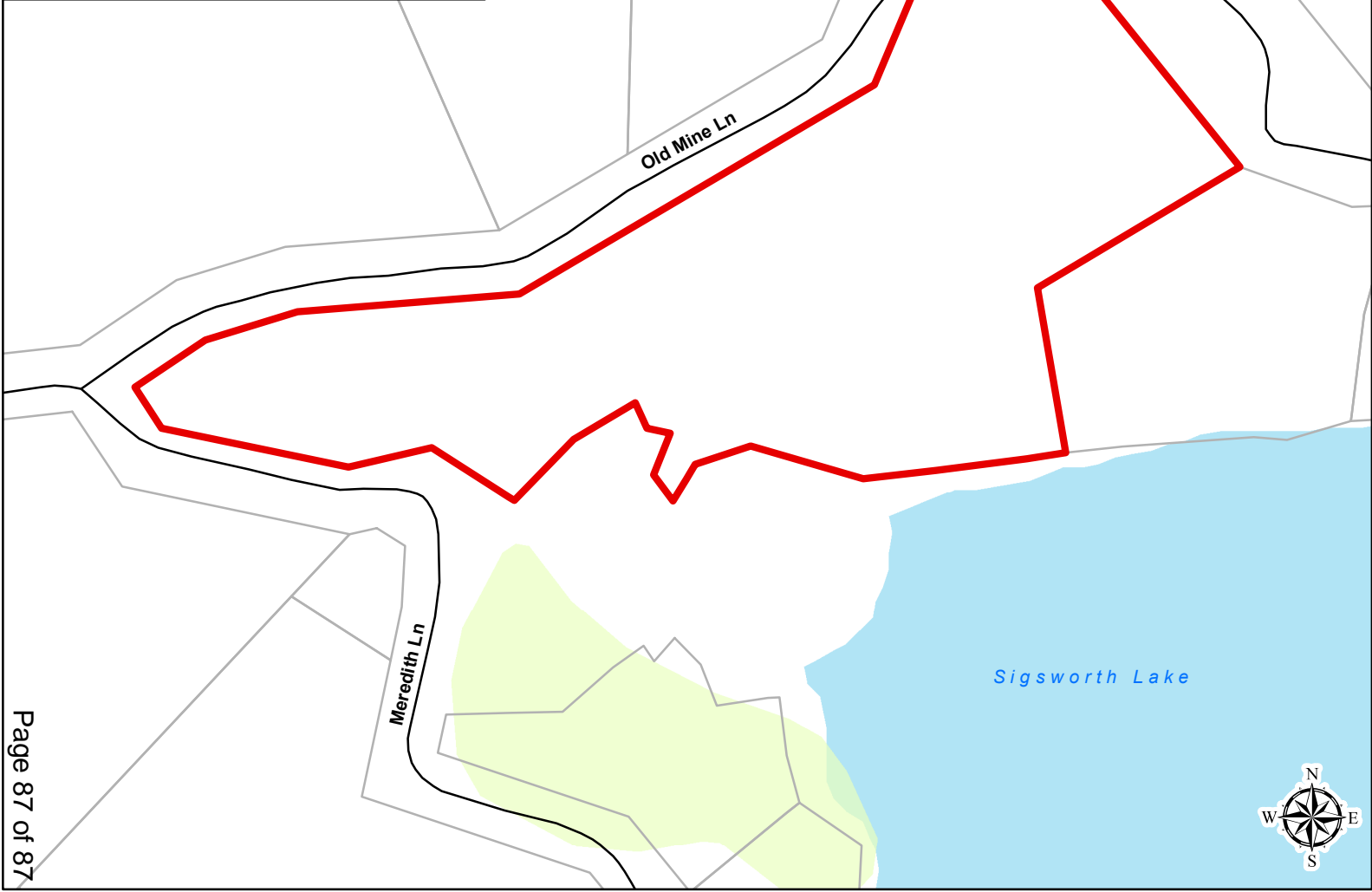
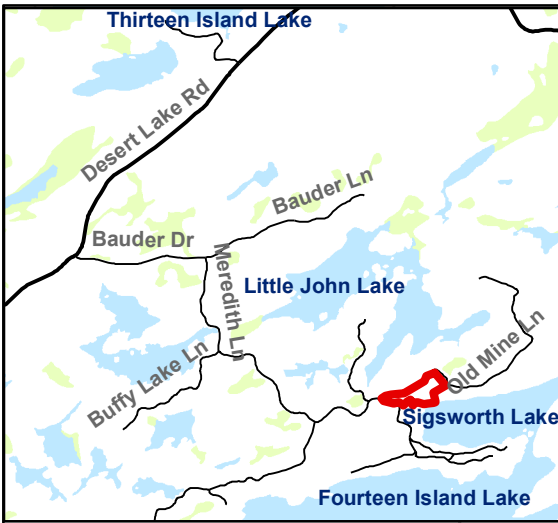
Geographic Township of Loughborough

TOWNSHIP OF SOUTH FRONTENAC

COUNTY of FRONTENAC

SCALE = 1:1000





**ZANETTI
MV-10-19-L**

2359 MEREDITH LANE

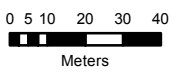
Legend

-  Zanetti Property
-  Provincially Significant Wetlands
-  Waterbody

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

Scale 1:2,000



UTM Projection NAD 83