

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

TIME: 7:00 PM,
DATE: Thursday, October 10, 2019
PLACE: Council Chambers.

1. Call to Order
 - a)
2. Adoption of Agenda
 - a)
3. Declaration of pecuniary interest
4. Approval of Minutes – September 12, 2019
 - a)
5. New Consent Applications:
 - a) S-17-19-L (Ingle) 3 - 15

Location: Part Lot 24, Concession 7, Being Part 1 on Plan 13R21669, District of Loughborough, Township of South Frontenac, municipally known as 5319 North Shore Road, Perth Road.

Purpose of Application: Consent for conveyance of a lot addition consisting of approximately 0.304 hectares (0.75 acres) with a depth of 36.71 metres (120.44 feet) to be merged with the property addressed as 5385 North Shore Road, Perth Road which contains an existing family dwelling. The retained lot consists of approximately 7.83 hectares (19.36 acres) and approximately 680 metres (2231 feet) of water frontage and is vacant.
 - b) S-18-19-P (Leonard) (Fournier) 16 - 30

Location: Part Lot 10, Concession 8, District of Portland, Township of South Frontenac, Boyce Road.

Purpose of Application: Consent for the creation of a new residential lot consisting of approximately 1.82 hectares (4.5 acres) with a frontage of 78 metres (255.9 feet) and a depth of 250 metres (820.2 feet) which is a vacant rural property. The retained lot, consists of approximately 38.65 hectares (95.5 acres), depth of 1,340 metres (4,396.3 feet) and approximately 236 metres (2,231 feet) of road frontage and is vacant.
 - c) S-19-19-B (Abrams) 31 - 44

Location: Part Lot 1, Concession 4, Being Parts 6 & 7 on Plan 13R19636, District of Bedford, Township of South Frontenac, municipally known as 220 Abrams Lane

Purpose of Application: Consent for conveyance of a lot addition consisting of approximately 0.69 hectares (1.7 acres), 171 metres (561 feet) of water frontage, with a depth of 54 metres (177.2 feet) to be merged with the property addressed as 42A Windy Bay Lane which contains an existing seasonal dwelling. The retained lot, consists of approximately 26.71 hectares (66 acres) and approximately 270 metres (885.8 feet) of water frontage with and contains a seasonal recreational use.
6. New Minor Variance Applications:
 - a) MV-31-19-B (Eastman) 45 - 62

Location: Part Lot 7, Concession 10, Parts 1 to 6, 13R9026

municipally known as 2114 Hambly Lane, Hartington, Hambly Lake, District of Portland, Township of South Frontenac

Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 20.7 metres (68 ft) to permit the construction of an enlarged upper deck with stairs consisting of 423 ft² to be attached to the existing dwelling and to increase the maximum lot coverage from 5 percent to 9 percent. The applicant is seeking relief from Section 5.8.2a Flooding and Shoreline Erosion Hazards and Section 10.3.1 of the Limited Service Residential – Waterfront (RLSW) Zone which requires a 30 metre setback from the highwater mark and Section 10.3.1 maximum permitted lot coverage for a property located in the Limited Service Residential Waterfront (RLSW) Zone.

b) MV-32-19-S (Morrison & Stewart)

63 - 80

Location: Part Lot 9, Concession 1, Lot 22 Part Block A on Plan 544, being Parts 15-22 on Plan 15881, municipally known as 1004 Lucas Lane, Inverary, Loughborough Lake, District of Storrington, Township of South Frontenac

Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 6.1 metres (20 ft) to permit the demolition and re-construction of a 342 ft² deck with relocation of staircase and landing to be attached to the existing dwelling. The applicant is seeking relief from Section 5.8.2a Flooding and Shoreline Erosion Hazards and Section 10.3.1 of the Limited Service Residential – Waterfront (RLSW) Zone which requires a 30 metre setback from the highwater mark.

7. Other Business

8. Adjournment

a)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PLANNING REPORT – CONSENT APPLICATION

Report Date: October 8, 2019

Application Nos: S-17-19-L

Owner: Ingle (Meadus/Green-Meadus)

Location of Property: Part Lot 24, Concession 7, Being Part 1 on Plan 13R21669, District of Loughborough, Township of South Frontenac, municipally known as 5319 North Shore Road, Perth Road

Purpose of Application: Consent for a lot addition

Date of Hearing: October 10, 2019

Recommendation: That provisional consent be:

- granted with conditions (attached)
- deferred
- denied

Purpose:

- enlarge abutting lot
- create new lot
- right-of-way / easement
- other:

Area Severed: 0.75ac (0.304 ha)	Official Plan Designation: Rural (RU) & Provincially Significant Wetland, 120m Buffer Zoning: Rural (RU)
Area Retained: 19.36 acres (7.83 ha)	Official Plan Designation: Rural, Provincially Significant Wetland, 120m Buffer, Area of Natural and Scientific Interest (ANSI) Zoning: Rural & Environmental Protection Zone

Review: This application:

- Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);
- Conforms with section 51(24) of the *Planning Act*;
- Conforms with the County of Frontenac Official Plan (3.3);
- Conforms with the Township of South Frontenac Official Plan (5.7.1);
- Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance); and
- Has no unresolved objections/concerns raised (to date) from agencies or the public.

Proposal

The purpose of this application is consent for the conveyance of a lot addition from an existing property at Part Lot 24, Concession 7, Part 1 on 13R21669, District of Loughborough, Township of South Frontenac, municipally known as 5319 North Shore Road (see attached map) to be merged with property at Part Lot 24, Concession 7, municipally known as 5385 North Shore Road. The



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



property is a small residential lot that is surrounded by hayfields with several wetlands occupying the low lying areas. The property does not demonstrate any significant natural heritage features, although some of the adjacent lands do.

The property owner of 5385 North Shore Road is proposing to construct a garage to the west of the existing dwelling on the lands subject to the lot addition, a mud room on the south side of the house and a heated addition on the west side of the dwelling. The property does not presently contain a garage.

An Environmental Site Evaluation, prepared by Ecological Services, was submitted in review of the proposed lot addition indicating that the proposed undertaking will have no impact on the natural heritage features or on their ecological functions and that the proposal is consistent with the intent of the Provincial Policy Statement. Conditions will be included in the Development Agreement addressing the recommendations for mitigation.

Agency Analysis and Comments

Public Services Department – The application was not required to be circulated to Public Services as the existing entrance will be maintained at 5319 North Shore Road.

KFL&A Public Health – The application was not required to be circulated to the Health Unit as the existing septic system will not be impacted with the construction of a new garage to the west of the existing dwelling at 5319 North Shore Road.

Cataraqui Region Conservation Authority – Comments dated September 30, 2019 were received from the Cataraqui Region Conservation Authority and note that staff have no objections to the approval of application S-17-19-L based on their consideration for natural hazards, natural heritage, and water quality and quantity protections policies. Any future development proposed within 120 metres of the wetland will require a permit to be issued by the CRCA under Ontario Regulation 148/06.

Public Comments – No comments have been received from the public to date.

Conclusion

The consent application conforms with the PPS, County Official Plan and South Frontenac Official Plan. The property is not required to be rezoned. The lot addition will increase the lot area of the existing triangular property at 5385 North Shore Road, while not impacting the adjacent Provincially Significant Wetland. The application is subject to the recommended conditions:

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

Expiry Period

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

Severed Lands

2. The land to be severed by Consent Application S-17-19-L shall be for a lot addition with an area of approximately 0.75 +/- acre to be conveyed only to 5385 North Shore Road (Roll no. 102904004021904)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 24, Concession 7 being Part 1 on Plan 13R21669 (PIN 362830644), municipally described as 5319 North Shore Road, Perth Road and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the *Planning Act*. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

Survey/Reference Plan or Registerable Description

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

Municipal Requirements

Road Widening

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

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
6. The applicant is required to 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 recommendations of the September 11, 2019 Environmental Site Evaluation, requirements of the Cataraqui Region Conservation Authority and Township environmental standards;
 - The 30 metre setback nearest to the wetland should be maintained in a vegetated state, in all cases where the setback is on the landowner's property.
 - Construction of the garage should occur outside of the breeding bird season (April 15 to July 31) to comply with the intent of the Migratory Birds Convention Act.
 - That within 120 metres of the wetland, the property is subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses made pursuant to Section 28 of the Conservation Authority Act. Within a regulated area, written permission must be obtained from the CRCA prior to development taking place. Current and future landowners are advised to contact



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



the CRCA prior to considering future development near these areas to determine whether a permit is required.

7. 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.
8. The Township of South Frontenac shall receive \$100 in lieu of parkland [*Planning Act*, s. 51(1)].
9. 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.
10. 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 Ingle/Meadus/Green-Meadus property

Site Visit: September 26, 2019

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): Approximately 680m irregular Frontage (on road/lane): Approximately 360m
 Depth: Approximately 340.65 irregular Area: 20.11

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

Lot addition

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

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

Proposed New Lot:	Retained Lot:
Frontage On Road _____	Frontage On Road _____
Frontage On Water _____	Frontage On Water _____
Depth _____	Depth _____
Area _____	Area _____

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

Existing Uses	Proposed Uses
New Lot: _____	_____
Retained: _____	_____

Structures Existing	Structures Proposed
New Lot: _____	_____
_____	_____

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

Structures Existing

Structures Proposed

Retained Lot: _____

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

Proposed Lot Addition (or right-of-way)

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

Frontage On Road: N/A

Frontage On Road: N/A

Frontage On Water: N/A

Frontage On Water: Approximately 680m irregular

Depth: 36.710m

Depth: Approximately 303.94m irregular

Area: 0.75 Acre

Area: 19.36

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

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: Vacant

Addition to residential Lot.

Retained: Residential

Residential

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): N/A

Future Garage

Retained Lot: House

N/A

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

Donald Meadus & Kelly Green-Meadus

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*):

N/A

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): North Shore Rd.

The retained lot: North Shore Rd.

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

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

New Lot: N/A

Retained Lot: N/A

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

New Lot: N/A

Retained Lot: Private Well

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

New Lot: N/A

Retained Lot: Private Septic

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

Rural

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

(a) The file #: N/A (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):

N/A

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

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

(c) The current use of the land: _____

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

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

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

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

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

PLAN 13R-21654

PART 3
PLAN 13R-18071

PART 2
PLAN 13R-18071

(P1 & M)
340.650

No Fence

158.590

168.440
(P1 & M)

175.240
(P1 & M)

6.800
(P1 & Set)

(P1 & Set)
N83°51'00"E

(P1 & Set)
94.260

NEWBAR

(P2 & M)
N39°00'50"E
40.526

40.210
N36°51'50"E
(P2 & M)

3.271(M)
N83°51'00"E
(P2 & M)

2.500
N83°51'00"E
(P2 & M)

36.710

0.75 Acres / 0.303 Hectares
Lot Addition

69.549

(N1°37'00"W P1)
N1°39'00"W

Row of Fence Posts

(P1 & M)
95.950

(Known as North Shore Road)
Travelled Road

24

LOT

25

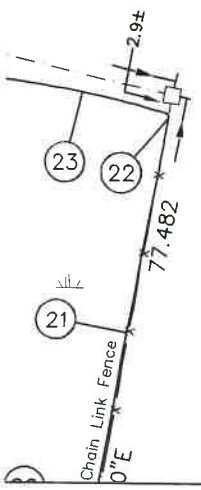
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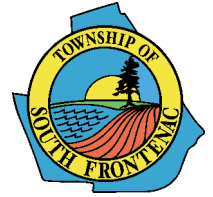
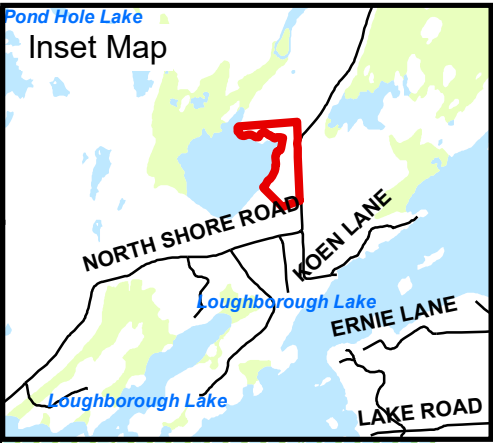
ORP B

(P1 & M)
E 0°40'00"E
N 3°00'00"E

PWF

(P3 & M)
24.850










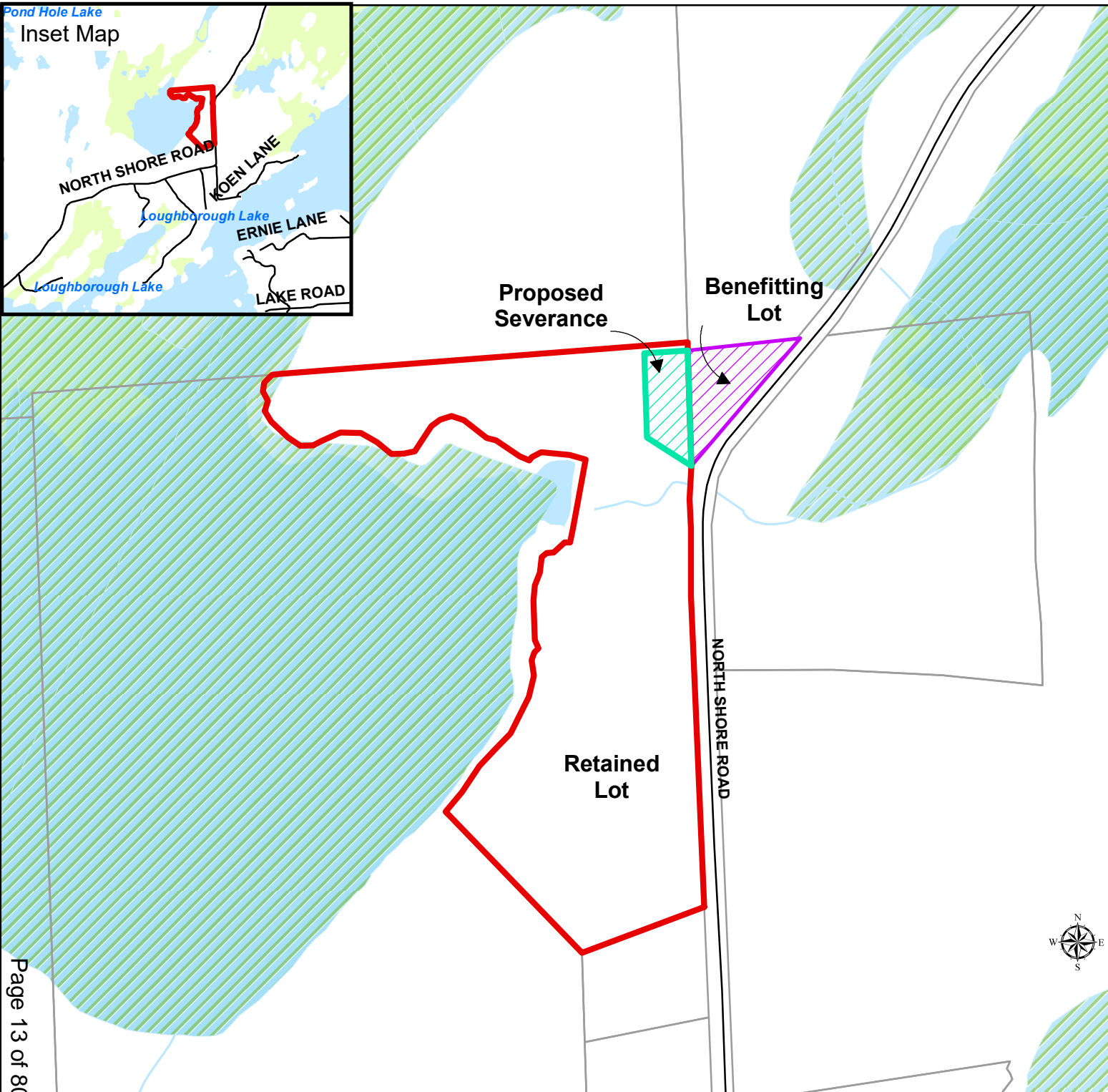


**INGLE (MEADUS)
S-17-19-L**

5319 NORTH SHORE RD

Legend

-  Ingle Property
 -  Benefitting Lot (Meatus Property)
 -  Parcel Fabric
 -  River / Stream
 -  Provincially Significant Wetlands
- Waterbodies**
-  Water Area, Permanent
 -  Wetland Area, Permanent



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 1:4,500

0 20 40 80 120 160



Meters

UTM Projection NAD 83



CATARAQUI REGION CONSERVATION AUTHORITY

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



September 30, 2019

File: SEV/FRS/227/2019

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 (Lot Addition) S-17-19-L (Green-Meadus)
Part Lot 24, Concession 7; 5319 North Shore Road
Township of South Frontenac (Loughborough District)
Waterbody: Leland Provincially Significant Wetland**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for consent to sever and offer the following comments for the Land Division Committee's consideration. The property was visited by CRCA staff on September 27, 2019.

Summary of the Proposal

The applicant has requested severance of a 0.3 hectare (0.75 acre) parcel from the property described as 5319 North Shore Road and adding it onto 5385 North Shore Road. The lot to be severed is proposed to be used for residential purposes for the construction of a garage. The lot to be retained would be approximately 7.83 hectare (19.36 acres) in area. The lot to be retained consists of agricultural fields, woodlands and wetlands, and is proposed to remain in its present use.

Site Description

The lot to be severed consists of a worked agricultural field that is relatively flat and open. The Leland wetland complex is adjacent to the east and west of the lot to be severed.

The property is designated 'Rural' in the Official Plan and zoned 'Rural' (RU) in the implementing Zoning By-law. The wetland is designated 'Provincially Significant Wetland' and zoned 'Environmental Protection' (EP).

Discussion

The main interest of the CRCA in this proposal is the protection of the Leland provincially significant wetland complex.

In accordance with the Provincial Policy Statement, Section 5.2.5 of the Township Official Plan indicates that no new development or site alteration will be permitted within 120 metres of a provincially significant wetland unless it has been demonstrated through an Environmental Impact Assessment (EIA) that there will be no negative impacts on the wetland or on its ecological functions.

The applicant has provided an environmental site evaluation (Ecological Services, September 11, 2019) in support of the application. This report recommends a 40 metre setback for development from the wetland boundary, with 30 metres nearest to the wetland to be maintained in a natural, vegetated state. In addition, the report recommends that construction of the garage occur outside of the breeding bird season (April 15 to July 31) to comply with the intent of the Migratory Birds Convention Act. CRCA staff concur with the recommendations contained within the environmental report and note that there is sufficient area outside of the recommended setback from the wetland for future development to occur.

Any future development proposed within 120 metres of the wetland would need to be permitted by CRCA under Ontario Regulation 148/06 (see description below).

Recommendation

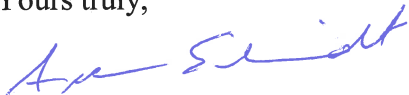
Staff have no objection to the approval of application S-17-19-L based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06

We note that within 120 metres of the wetland, 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 ecologic and hydrologic functions of wetlands are protected. 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.: Kelly Green-Meadus, Authorized Agent (via email)
Michelle Hannah, Planning Assistant (via email)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PLANNING REPORT – CONSENT APPLICATION

Report Date: October 8, 2019

Application Nos: S-18-19-P

Owner: Leonard (Fournier)

Location of Property: Part Lot 10, Concession 8, District of Portland, Township of South Frontenac, municipally known as Boyce Road

Purpose of Application: Consent to create one new lot

Date of Hearing: October 10, 2019

Recommendation: That provisional consent be:

- ✓ granted with conditions (attached)
- deferred
- denied

Purpose: enlarge abutting lot

- ✓ create new lot
- right-of-way / easement
- other:

Area Severed: 4.5ac (1.82 ha)	Official Plan Designation: Rural
Frontage: 255.9 ft (78 m)	Zoning: Rural
Area Retained: 95.5 acres (38.65 ha)	Official Plan Designation: Rural
Frontage: 2,231 ft (236 m)	Northwest corner of the property is located in the Provincially Significant Wetland, 120 metre buffer
	Zoning: Rural

Review: This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);
- ✓ Conforms with section 51(24) of the *Planning Act*;
- ✓ Conforms with the County of Frontenac Official Plan (3.3);
- ✓ Conforms with the Township of South Frontenac Official Plan (5.7.1);
- ✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance); and
- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.

Proposal

The purpose of this application is consent for the creation of a new residential lot from an existing property at Part Lot 10, Concession 8, District of Portland, Township of South Frontenac, municipally known as Boyce Road (see attached map). The property is located on the north side of Boyce Road and is a relatively level vacant rural property surrounded by existing agricultural lands. An existing active horse farm is located northwest of the subject lands. The Minimum Distance Separation (MDS) calculation was completed in review of the proposed new residential lot and the proposed lot



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



will be located well beyond the required 93 metre minimum distance from the livestock barn at an approximate distance of 260 metres from the livestock barn.

Agency Analysis and Comments

Public Works Department – Staff have indicated that the applicant is required to provide a lot grading and drainage plan. The plan will be required to be submitted at the building permit stage for the construction of a new dwelling. An entrance permit will be required. A road widening is not required at this location.

The applicant is required to provide a lot grading and drainage plan to ensure post development does not result in negative impact to adjacent properties and that water is redirected away from the house.

KFL&A Public Health – KFL&A Public Health provided formal comments dated September 23, 2019. Public Health notes that soil conditions found on the lot will require additional 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. The proposed lot is capable of providing flexibility in siting a sewage disposal system dependent on the proposal submitted through an Application to Construct a Sewage System,

Public Comments – A letter of objection / concern was received by email on October 2, 2019 addressing concerns related to water quantity in the area.

Conclusion

The consent application conforms with the Provincial Policy Statement, County Official Plan, South Frontenac Official Plan and Zoning By-law subject to the recommended conditions:

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

Recommended Conditions for the Consent Application S-18-19-P

Expiry Period

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

Severed Lands

2. The land to be severed by Consent Application S-18-19-P shall be for the creation of one new lot with an area of approximately 4.5 acres (1.82ha) of vacant land with approximately 255.9 feet (78 metres) of frontage along Boyce Road.

Survey/Reference Plan or Registerable Description

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

Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:

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

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

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

Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-18-19-P, in lieu of parkland [*Planning Act*, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
8. The Owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through Consent Application S-18-19-P.
9. The well driller who prepares the well driller's report referred to in condition # 8 shall also provide a copy of the drawn down and recovery of the closest well that was collected by the well driller at the time of the new well pump test in accordance with D-5-5 Private Wells: Water Supply Assessment, demonstrating that the well on the new proposed lot would not detrimentally impact on the closest existing well. IF the adjacent well owner(s) do not wish to have their well tested for interference, a letter signed by the adjacent homeowner is required that indicates that they do not wish to have their well tested.

OR

A basic Hydrogeological Assessment signed by a Professional Engineer or Professional Geoscientist will be required for the new well in accordance with D-5-5 Private Wells: Water Supply Assessment.

10. The applicant shall enter into a Development Agreement with the Township to registered on title with the severed parcel to address the development of the lot, including lot grading and drainage.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Zoning

11. 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 Leonard property

Site Visit: September 26, 2019



**CONSENT TO SEVER
INSPECTION REPORT**

File Number: S-18-19-P			Receipt Number: SK-37-2019		
Owner(s): Leonard, Robert					
Municipality: Township of South Frontenac			Ward/Former Township: Portland		
Lot: 10	Concession: 8	Registered Plan	Part(s),	Plan of Subdivision:	Sublot:
General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)					
Severed: Open Field					
Retained: N/A					
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.					
TH 1 Silty clay loam ↓ 1.0m		TH 2 Silty clay loam ↓ 0.75m		Severed Depth of Soil 0.0 m 0.3 m 0.6 m 0.9 m 1.2 m 1.5 m	Retained N/A
Percolation rate (estimated):			Percolation rate (estimated)		
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.					
Suitability for on-site sewage disposal:					
SEVERED <input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> Site Flexible <input type="checkbox"/> Site Specific		Conditions: -Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development. -The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System.			
RETAINED <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> Site Flexible <input type="checkbox"/> Site Specific		Conditions:			
Inspector: Sarah Van Dijk, CPHI(C) CPHI(C), Public Health Inspector		Approved: <i>Sarah Van Dijk</i>		Date: Sept 23, 2019	

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

Report from Roads to Committee of Adjustment

Application Number: _____

Applicant's Name: _____

Concession: _____ **Lot:** _____ **District:** _____

Road: _____

Road Maintenance: Year-round Seasonal

Sight Lines: Are there adequate sight lines for the entrance? Yes No

If no, what changes would be required to improve sight lines?

Road Conditions:

1. Are there any special drainage/ditching concerns related to creation of new lot(s)?
Yes No

If yes, what action is the applicant required to take?

2. Is the overall road condition adequate to serve increased development/traffic?
Yes No

If no, please explain, and indicate if there are any measures that could be taken to correct the inadequacies.

Road Widening Required?

Yes No


Any specific requirement?

Approved by the Public Services?

Yes Yes, with conditions No


If yes, with conditions, please describe conditions below.

Applicant required to provide a lot grading and drainage plan. Entrance Permit will also be required.



Signature on behalf of Public Services

Date



Committee of Adjustment
c/o Michelle Hannah, Secretary-Treasurer
Corporation of the Township of South Frontenac – Planning Department
4432 George Street, P O Box 100, Sydenham, Ontario, K0H 2T0

Re File No.: S-18-19-P

Dear Committee of Adjustment:

Please be advised that [REDACTED], whom reside at [REDACTED], are “opposed” to the proposed severance, file no. S-18-19-P.

We are longtime residents of Portland District, and are writing to express our concern with the proposed severance due to the fact of its close proximity to our home and the effect it will have on our water quantity and quality, if it uses the same aquifer that we have used for the past 31 years. Approving the proposed severance will result in 2 homes with no water quantity.

With our ever changing climate and conservation in mind, we have had to adapt to lower than normal well water conditions. We are not able to run a bathtub full of water without waiting for the well to recover. This has led to shorter showers and doing laundry in Kingston from late summer into fall to preserve our drinking water, for the last 10 years.

Sharing the same aquifer will result in less than favourable results for both properties, and that is why we are opposed.

We are not against property severances, as long as the severance does not affect our water quality and quantity. If anyone has any ideas on how to proceed with the severance without affecting our concerns, we are open to suggestions.

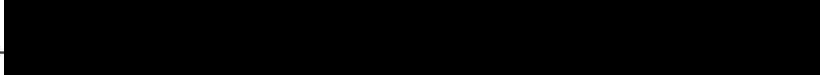

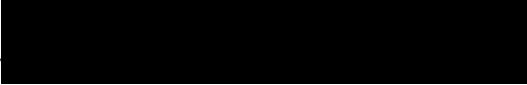
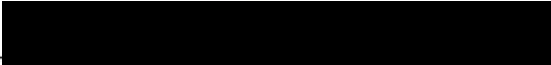
We wish to be notified of the decision of the South Frontenac Committee of Adjustment, with respect to file no. S-18-19-P, Part Lot 10, Concession 8, District of Portland, Township of South Frontenac, Boyce Road.

Sincerely,







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

Date Received: Sept. 12 / 19 File No: S-18-19-P

1. Name of Owner(s): ROBERT ANDREY LEONARD
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: Andrew & Julianna Fournier
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: Vacant Land
District: Bedford Portland Loughborough Storrington
Concession Number: 8 Lot Number: 10
Street Number: — Name of Road/Street: Boyce Rd
Reference Plan Number: _____ Part Number(s): _____
Roll Number: 102908004012000

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

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

Frontage (on water): _____ Frontage (on road/lane): 314 m
 Depth: 1,340 m Area: 100 (Ac) Acres

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

Transfer for 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 78 m

Frontage On Road 236 m

Frontage On Water 0

Frontage On Water 0

Depth 250 m

Depth ~~1,340 m~~ 1,340 m

Area 4.5 (Ac)

Area 95.5

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

Existing Uses

Proposed Uses

New Lot: Vacant Land

Residential House

Retained: Vacant Land

Vacant Land

Structures Existing

Structures Proposed

New Lot: No

Residential House

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

Structures Existing

Structures Proposed

Retained Lot: No

 Vacant Land

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

Proposed Lot Addition (or right-of-way)

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

Frontage
On Road: _____

Frontage
On Road: _____

Frontage
On Water: _____

Frontage
On Water: _____

Depth: _____

Depth: _____

Area: _____

Area: _____

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

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W: _____

Retained: _____

Structures Existing

Structures Proposed

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

Retained Lot: _____

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

 Andrew & Julianne Foubier

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*):

~~Yes~~ No

9. Name of road or lane which accesses:

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

The retained lot: Boyce rd

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

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

New Lot: _____

Retained Lot: _____

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

New Lot: Private Well Retained Lot: Valant Land

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

New Lot: private septic Retained Lot: Valant Land

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

Section 7 - Ru - Rural zone

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

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

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

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

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

(b) The file #: _____ (b) The decision on the application:

(c) The current use of the land: _____

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

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

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

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

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

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

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$837.00 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.

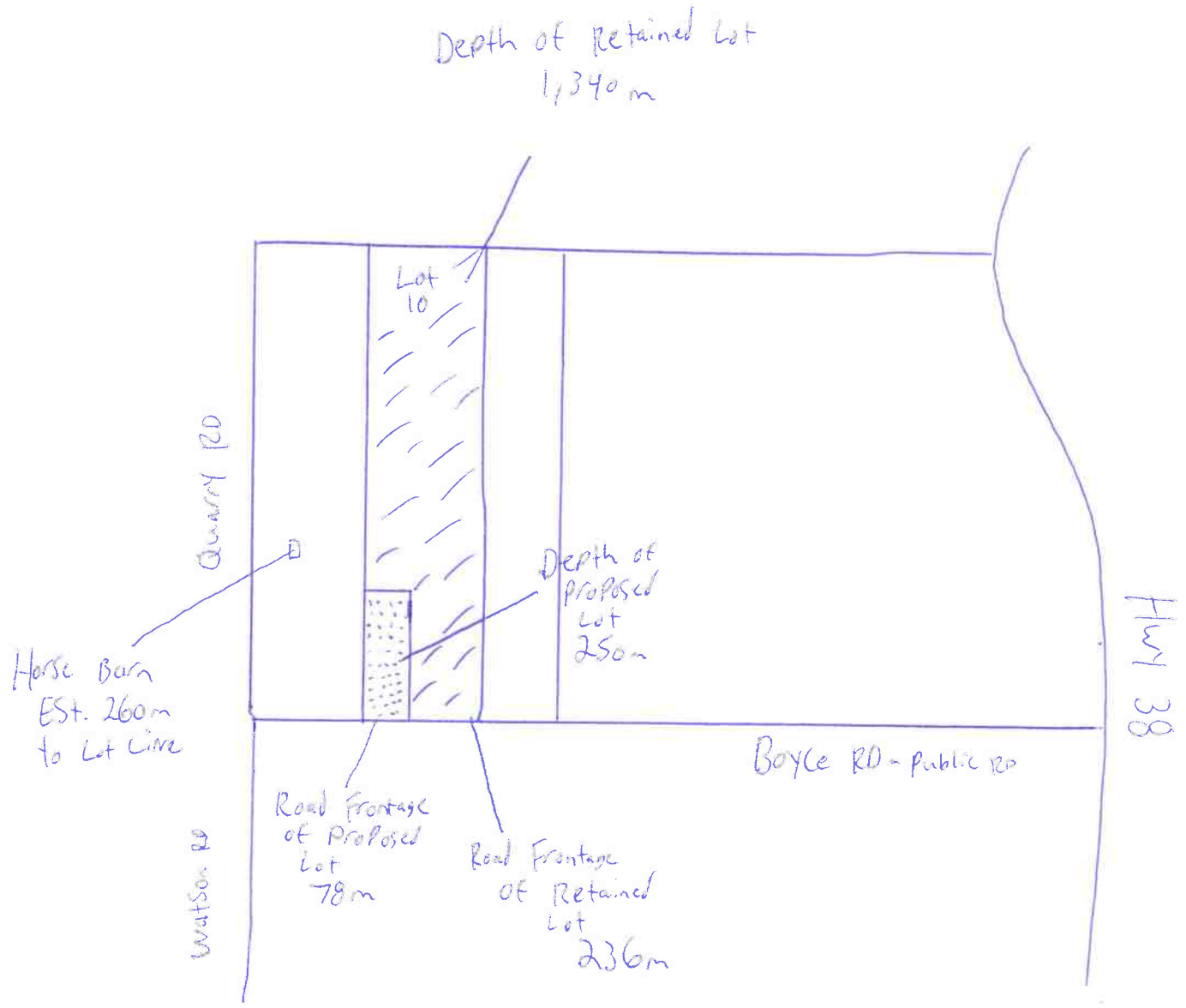
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

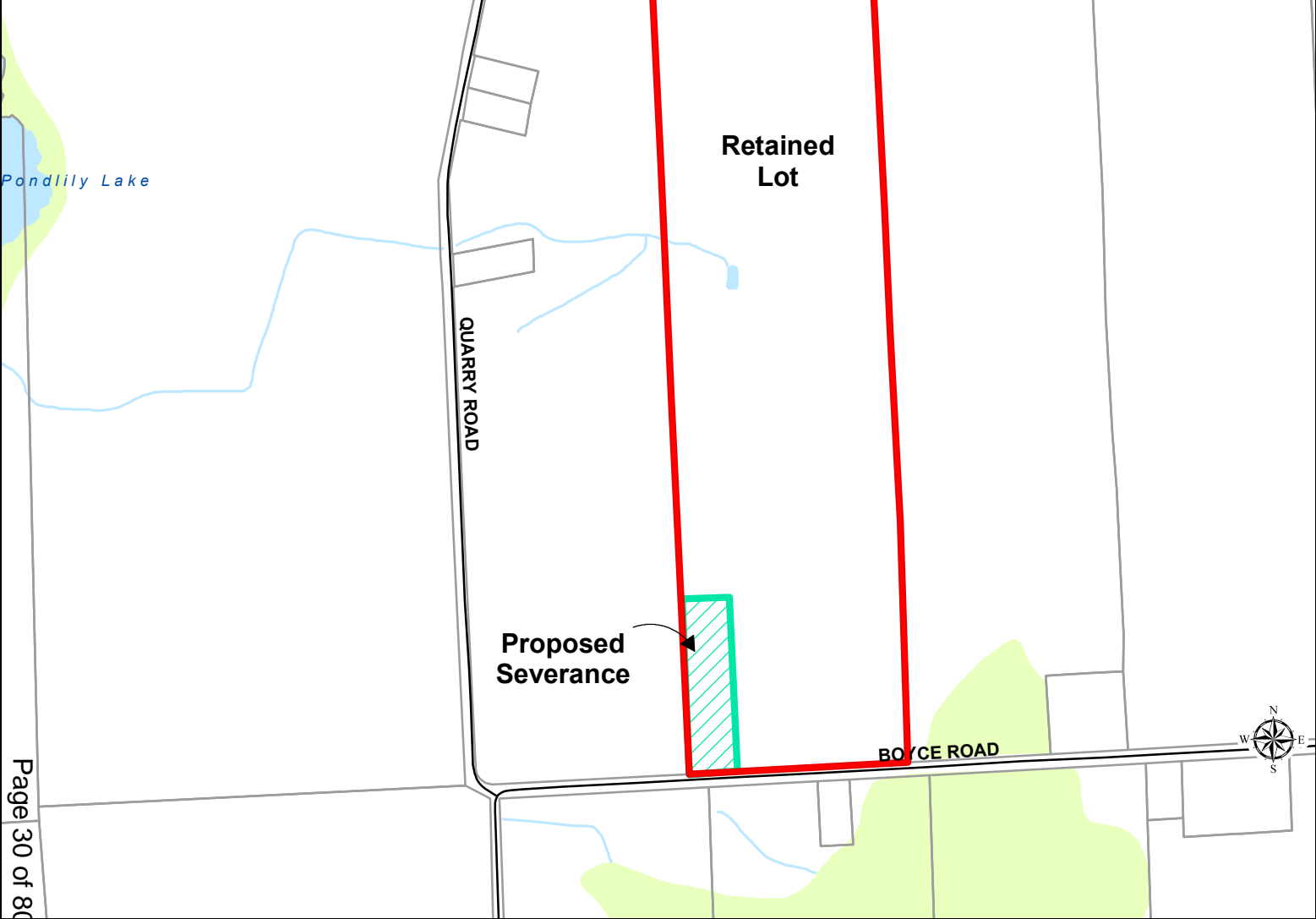
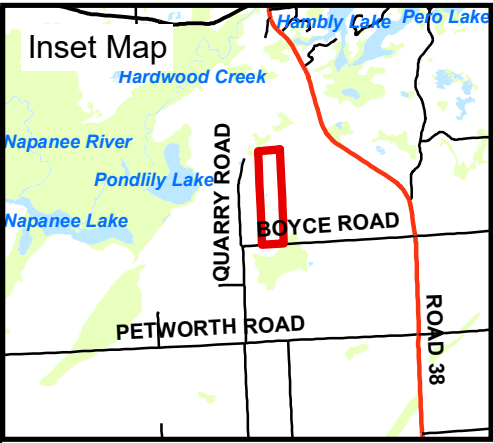
The Owner/Applicant further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC












- Legend
- Retained Lot
 - Proposed New Lot



**LEONARD (FOURNIER)
S-18-19-P**

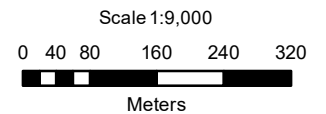
BOYCE RD

Legend

-  Leonard Property
 -  Proposed Severance
 -  Parcel Fabric
 -  River / Stream
 -  Provincially Significant Wetlands
- Waterbodies**
-  Water Area, Permanent
 -  Wetland Area, Permanent

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.



UTM Projection NAD 83



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PLANNING REPORT – CONSENT APPLICATION

Report Date: October 8, 2019

Application Nos: S-19-19-B

Owner: Abrams (Maika)

Location of Property: Part Lot 1, Concession 4, Being Parts 6 & 7 on Plan 13R19636, District of Bedford, Township of South Frontenac, municipally known as 220 Abrams Lane, Desert Lake

Purpose of Application: Consent for a lot addition

Date of Hearing: October 10, 2019

Recommendation: That provisional consent be:

- granted with conditions (attached)
- deferred
- denied

Purpose: enlarge abutting lot

create new lot

right-of-way / easement

other:

Area Severed: 1.7ac (0.69 ha) Water Frontage: 561ft (171m) Lane Frontage: 19.7ft (6m)	Official Plan Designation: Rural Zoning: Rural (RU)
Area Retained: 66 acres (26.71 ha) Water Frontage: 885.8 ft. (270m) Lane Frontage: 1,745.4ft (532m)	Official Plan Designation: Rural Zoning: Rural (RU) & Recreational Resort Commercial - 46

Review: This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);
- ✓ Conforms with section 51(24) of the *Planning Act*;
- ✓ Conforms with the County of Frontenac Official Plan (3.3);
- ✓ Conforms with the Township of South Frontenac Official Plan (5.7.1);
- ✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance); and
- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Proposal

The purpose of this application is consent for the conveyance of a lot addition from an existing property at Part Lot 1, Concession 4, Parts 6 & 7 on Plan 13R19636, District of Bedford, Township of South Frontenac, municipally known as 220 Abrams Lane, Desert Lake (see attached map) to be merged with property at Part Lot 1, Concession 4, municipally known as 42A Windy Bay Lane, Desert Lake. The property at 42A Windy Bay Lane is a small residential waterfront property on Desert Lake with a cottage close to the waterfront. The lands to be merged are vacant, rocky and heavily treed and comprise a portion of lands that are not presently used by 220 Abrams Lane which is part of a larger land holdings that contain an existing campground.

The property owner of 42A Windy Bay Lane presently travels over a portion of the property at 220 Abrams Lane. With the lot addition, the lot will be enlarged and the existing access will be formalized.

Agency Analysis and Comments

Public Services Department – The application was not required to be circulated to Public Services as the existing entrance will be maintained at 42A Windy Bay Lane which is a private lane not maintained by the Township.

KFL&A Public Health – The application was not required to be circulated to the Health Unit as the existing septic system will not be impacted and the existing septic system will be maintained.

Cataraqui Region Conservation Authority – The application was not circulated to the Conservation Authority given the nature of the request that an existing undersized lot will be enlarged and that the remaining land holdings will consist of 66 acres. No development is proposed as a result of this application.

Public Comments – No comments have been received from the public to date.

Conclusion

The consent application conforms with the Provincial Policy Statement, County Official Plan and South Frontenac Official Plan. The lot addition is required to be rezoned. The lot addition will increase the lot area of the existing property at 42A Windy Bay Lane. The application is subject to the recommended conditions:

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

Expiry Period

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

Severed Lands

2. The land to be severed by Consent Application S-19-19-B shall be for a lot addition with an area of approximately 1.7 +/- acre to be conveyed only to 42A Windy Bay Lane (Roll no. 1029020040230000).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 1, Concession 4 (PIN 36252-0263), municipally described as 42A Windy Bay Lane and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the *Planning Act*. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

Survey/Reference Plan or Registerable Description

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

Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
6. The Township of South Frontenac shall receive \$100 in lieu of parkland [*Planning Act*, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment.
8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
9. Prior to the stamping of the deeds, the applicant shall rezone the lot addition from Rural (RU) Zone to the Limited Service Residential (RLSW) Zone to ensure that the entire property at 42A Windy Bay Lane is consistently in the RLSW Zone. Please see the Township's Planning Department to begin this process.

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 Abrams/Maika property

Site Visit: September 26, 2019

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

Date Received: Sept. 12/19

File No: S-19-19-B

1. Name of Owner(s): ROBERT JOHN ABRAMS

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

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

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

Name of Authorized Agent: N/A

Full Mailing Address of Authorized Agent: N/A

Phone number of Authorized Agent: N/A

Email Address of Authorized Agent: N/A

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: 4 Lot Number: 1

Street Number: 220 Name of Road/Street: ABRAMS LANE

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

Roll Number: 102902004022500

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): 171 METERS Frontage (on road/lane): 6 METERS ON LANE
 Depth: 54 METERS Area: 1.07 ACRES

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

LOT ADDITION - INCREASE THE SIZE OF MAIKA PROPERTY

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

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

Proposed New Lot:

Retained Lot:

Frontage On Road _____

Frontage On Road _____

Frontage On Water _____ *N/A*

Frontage On Water _____

Depth _____

Depth _____

Area _____

Area _____

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

Existing Uses

Proposed Uses

New Lot: _____

Retained: _____

Structures Existing

Structures Proposed

New Lot: _____

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

Structures Existing

Structures Proposed

Retained Lot: _____

N/A

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

Proposed Lot Addition (or right-of-way)

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

Frontage On Road: 6 METERS

Frontage On Road: 532 METERS

Frontage On Water: 171 METERS

Frontage On Water: 270 METERS

Depth: 54 METERS

Depth: 741 METERS

Area: 1.7 ACRES

Area: 66 ACRES

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

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: RURAL/VACANT

SEASONAL RECREATIONAL

Retained: RURAL/RRC

NO CHANGES

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): NO PLANS

NONE

Retained Lot: NO PLANS AT

NONE

THIS TIME, COTTAGES IN ACCORDANCE WITH RRC ZONING.

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

JAN MAIKA - 42A WINDY BAY LANE

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

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

UNREGISTERED HYDRO EASEMENT - NO EFFECT.

9. Name of road or lane which accesses:

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

The retained lot: CANOE LAKE RD

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

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

New Lot: N/A

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: LAKE (DESECT LK) Retained Lot: N/A

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

New Lot: COMPOST TOILET Retained Lot: N/A

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

RURAL

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

(a) The file #: S-55-14-B (b) The decision on the application: APPROVED

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

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

RRC.

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

(b) The file #: N/A. (b) The decision on the application:

(c) The current use of the land: _____

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

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

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

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

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

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

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$837.00 representing payment of the application fee.

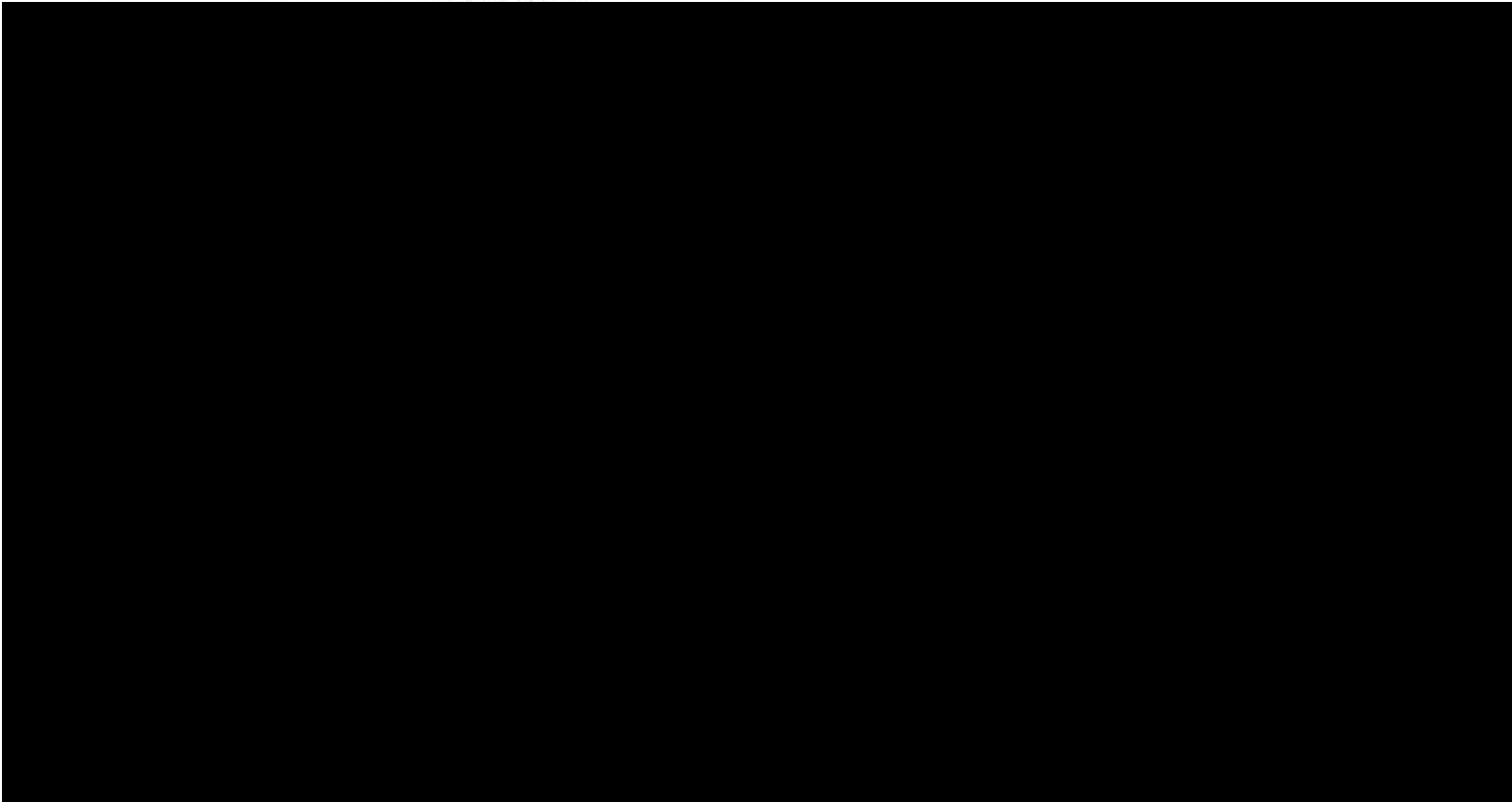
The Owner/Applicant/Agent agrees that the information recorded in this Consent Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the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

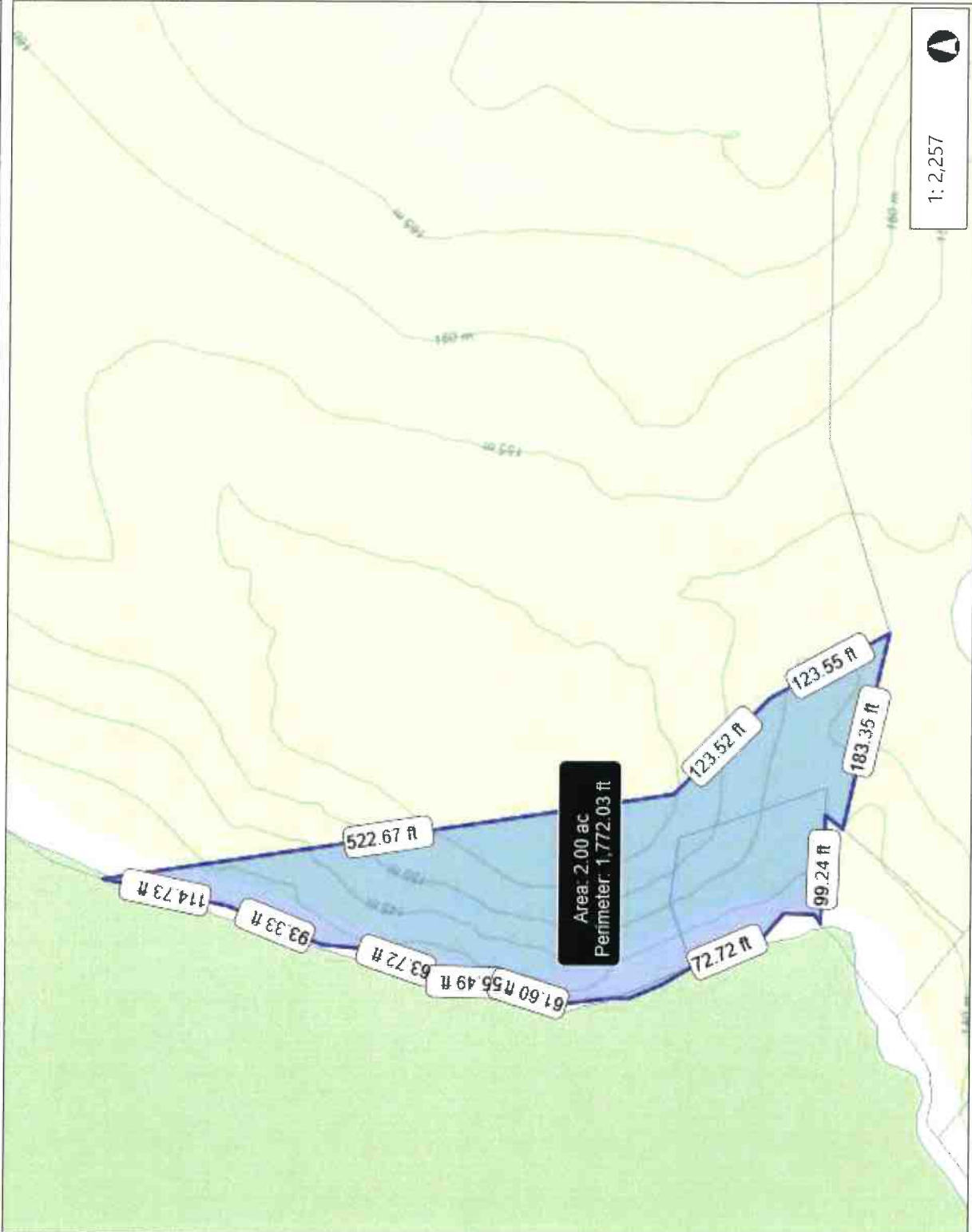
The Owner/Applicant further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:





- Legend**
- Parcels
 - Crown Land
 - Citations

Notes



1: 2,257

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

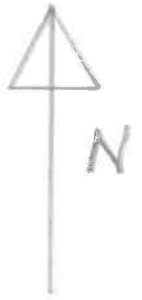
STRUCTURES ON MAIKA PROPERTY

A - COTTAGE 18' x 38'

B - SHED 4' x 8'

C - SHED 4' x 8'

D - SHED BUNKIE 8' x 8'



DESERT LAKE

171 METERS

ABRAMS PROPERTY

HYDRO EASEMENT

SNEDDON PROPERTY

54M

PROPOSED NEW LOT LINE



WAGAR

ABRAMS PROPERTY RETAINED.

BROWN

(HYDRO. EAS.)

FOR

HILLINGS

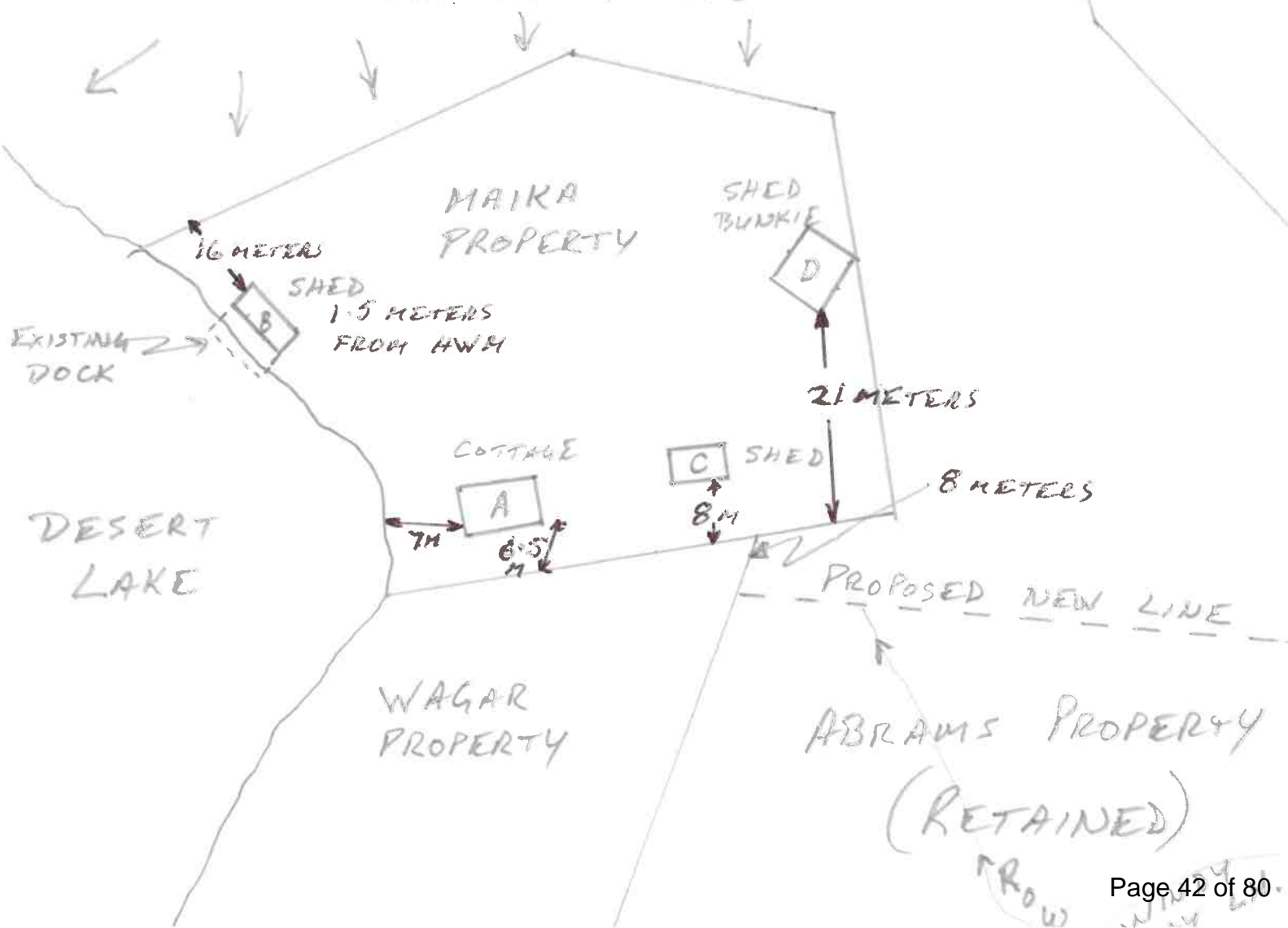
WINDY BAY LANE

REVILL

ABRAMS PROPERTY
(PROPOSED LOT
ADDITION)

SNEDDON
PROPERTY

TREED ROCKY HILL





FIND YOURSELF #INFRONTENAC

Side Panel

Search

I want to...

Toolbar

Map

220 ABRAMS LANE

102902004..

I want to...

Tools

Description

220 ABRAMS LANE

Details

FID 15695
 Shape N/A
 ARN 102902004022500
 Shape_Length 3421.1252
 Shape_Area 276332.0125

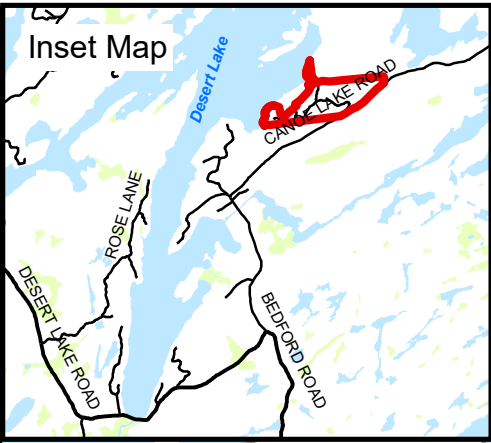
Location 220 ABRAMS LANE
 Frontage 1098.11
 Depth



World To...

1029020...

Layers





**ABRAMS (MAIKA)
S-19-19-B**

220 ABRAMS LANE

Legend

-  Benefiting Lot (Maika Property)
-  Proposed Severance
-  Abrams Property
-  Parcel Fabric
-  River / Stream
-  Provincially Significant Wetlands

Waterbodies

-  Water Area, Permanent
-  Wetland Area, Permanent

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.

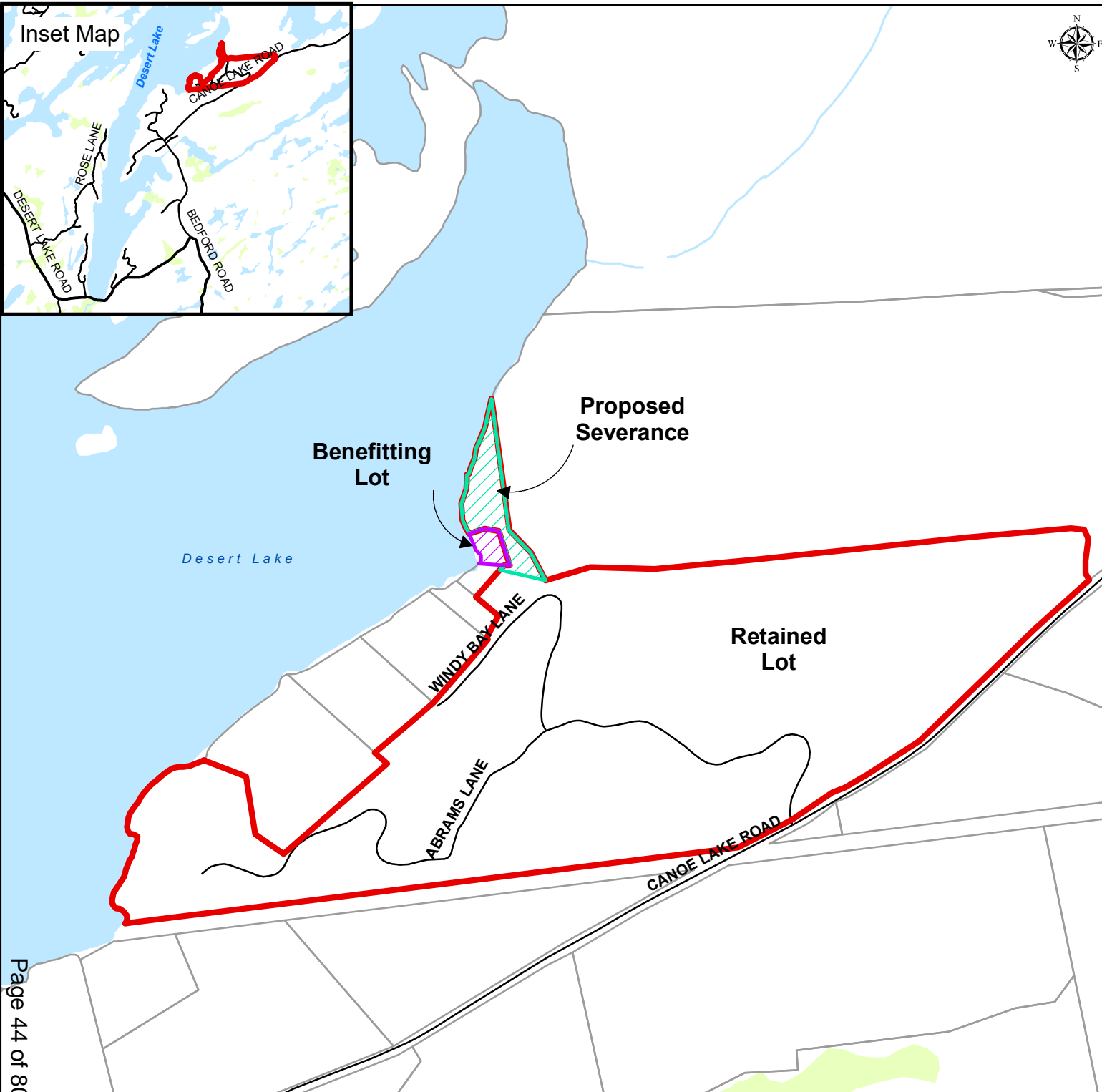
Scale 1:6,500

0 30 60 120 180 240



Meters

UTM Projection NAD 83





REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



MINOR VARIANCE – PLANNING REPORT

Report Date: October 8, 2019

Application No: MV-31-19-P

Owner: Larry & Jennifer Eastman

Location of Property: Part Lot 7, Concession 10, Parts 1 to 6, 13R9026, District of Portland, Township of South Frontenac, municipally known as 2114 Hambly Lane, Hartington, Hambly Lake

Purpose of Application: To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw

Date of Hearing: October 10, 2019

Recommendation: That approval be:

- granted with conditions (attached)
- deferred
- denied

Purpose:

- zoning relief for construction of a new structure
- zoning relief for replacement to an existing structure
- zoning relief other than new construction
- denied

Official Plan Designation: Rural	Zoning: Limited Service Residential – Waterfront (RLSW) Zone
Section 5.8.2a: Flooding and Shoreline Erosion Hazards	Relief: 30 metres from the highwater mark to 20.7 metres to the highwater mark of Hambly Lake
Section 10.3.1: RLSW for the Principal Building – 30m setback to the highwater mark	Relief: 30 metres from the highwater mark to 20.7 metres to the highwater mark of Hambly Lake
Section 10.3.1: RLSW for the Principal Building Maximum 5% lot coverage	Relief: 5 percent maximum lot coverage to 9 percent maximum lot coverage

Review: This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms with the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Conforms with the general intent and purpose of the Township of South Frontenac Official Plan;
- ✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);
- ✓ Is desirable for the appropriate development of the lands in question; and
- ✓ Is minor.

Proposal

An application for minor variance has been submitted to permit the construction of an enlarged upper deck (by 3 feet) with stairs, consisting of 423 ft², to be constructed to the existing dwelling and to increase the maximum lot coverage from 5 percent to 9 percent for a property located at Part Lot 7, Concession 10, Parts 1 to 6, 13R9026, District of Portland, Township of South Frontenac,



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



municipally known as 2114 Hambly Lane, Hartington, Hambly Lake (see attached map).

The property is located on the west side of Hambly Lane, a private lane which is accessed from Hinchinbrooke Road. The property contains an existing dwelling set back from the waterfront which is adjacent to the lane. The elevation of the property rises towards the lane. An existing well is located to the northwest of the dwelling and the existing septic system is located to the rear of the home. A shed is located on the opposite side of the lane.

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 a waterfront lot with 89.57 feet (27.3 metres) of waterfrontage along Hambly Lake and is an existing undersized lot consisting of approximately 0.43 acres (0.174 ha) in area. As the property has topography changes and is an undersized lot, the location for the replacement decking, to be attached to the single detached dwelling unit, is the most appropriate location. The existing deck had a U shaped staircase leading out towards the waterfront and the deck and stairs have been removed to date. The stairs will be relocated at the northeast corner of the deck at the elevated portion of the site. The current owners purchased the property on July 5, 2002 with the original structure constructed in 1987.

The property has a number of existing trees and landscaped areas surrounding the site closer to the lane and a sandy shoreline with dock. The surrounding area contains existing seasonal and year round dwellings located along the shoreline of Hambly Lake in proximity to this site.

Planning Analysis

Agency Analysis and Comments

KFL&A Public Health – The application was not required to be circulated to Public Health given the location of the existing septic is located to the rear of the dwelling and will not be impacted with this proposal.

Quinte Conservation – Comments dated October 7, 2019 from Quinte note they have no objection to the application as presented. Quinte note that a current permit has been issued to the applicant Permit No. REGO218-219 to replace the existing lower and east side decks. Pending updated drawings staff will amend the current permit to include the upper deck enlargement. It is understood that the proposed deck will not encroach any closer to the floodplain than the existing footprint. Any future development will require a permit from the Conservation Authority prior to development (construction/filling/excavation/site grading) within 30 metres of the 1:100 year floodplain of Hambly Lake.

Public Comments – One neighbour has indicated that they are not opposed to the minor variance application.

Conclusion

The proposed application to permit the development of an enlarged upper deck with stairs consisting of 423 ft² and to increase the maximum lot coverage from 5 percent to 9 percent to a property located at Part Lot 7, Concession 10, Parts 1 to 6, 13R9026, District of Portland, Township of South Frontenac, municipally known as 2114 Hambly Lane, Hartington, Hambly 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 deck with staircase will be constructed onto the existing single detached dwelling located on the rural waterfront property in an area where it had previously been located. The deck and



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



staircase will be located as far back as possible from the waterfront given the constraints on the lot that prevent the cottage from achieving a greater setback.

- The variance conforms to the general intent and purpose of the Zoning Bylaw. The proposed dwelling complies with the zoning provisions in the Zoning By-law for the RLSW Zone with the exception of the setback to the highwater mark for the new deck and staircase. Achieving the 30 metre setback would not be possible as the existing structure is within the 30 metre setback to the highwater mark.
- The variance is desirable for the appropriate development of the lands in question as the staircase will be constructed on the side of the deck. The staircase was previously projecting towards the waterfront.
- The variance is minor because the proposal seeks to maintain the waterbody setback given the location of the existing dwelling, well and septic system.

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. The Minor variance is for the construction an enlarged upper deck with staircase to be constructed to an existing single detached dwelling and to increase the maximum permitted coverage to 9%, as per the drawings submitted with MV-31-19-P. The proposed deck and staircase will be setback a minimum of 20.7 metres (68 ft.) to the closest point of the highwater mark of Hambly Lake in the Limited Service Residential – Waterfront (RLSW) Zone. The lot coverage will be a maximum of 9 percent.
2. The applicant is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address the matters outlined in the October 7, 2019 letter from Quinte Conservation and requirements of the Township.
3. The Owner is required to obtain a permit prior to development commencing from Quinte Conservation under Regulation 319/09: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by Quinte.
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 the approval from the Township of South Frontenac.
5. Minor variance MV-31-19-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

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: September 26, 2019

Attachments: Map of the Eastman property

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0228-2019

Municipality:	Township of South Frontenac		
Owner	Larry & Jennifer Eastman		
Location:	2114 Hambly Lane	Lot 7, Concession 10	Portland
Roll #:	10290800401760000000		
Application Description:	Minor Variance MV-31-19-P	Seeking relief from the 30 metres high water mark setback to allow for extension on the existing upper deck and to move the existing staircase.	
Feature:	Hambly 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 hazards lands.</p> <p><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 the flood hazard.</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 Hambly 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 a current permit has been issued to the applicant Permit No. REG0218-2019 to replace the existing lower and east side decks. Pending updated drawings staff will amend the current permit to include the upper deck enlargement. It is understood that the proposed deck will not encroach any closer to the floodplain than the existing footprint. Any future development the applicant will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 30 metres of the 1:100 year floodplain of Hambly Lake.</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 not applicable as the subject property lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system.</p> <p><u>As such no Section 59 Clearance Notice is required.</u></p>		

	<p><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 including (but not limited to); Provincially Significant Wetlands, significant woodlands and significant Areas of Natural and Scientific Interest. The subject lands do not lie within a Provincially Significant Wetland, or within an Area of Natural and Scientific Interest. Further, an Environmental Impact Study was not provided with the current planning application, and as per Quinte Conservation’s Regulation and Policies we will not be recommending one.</p>
<p>Final Comments:</p>	<p>Quinte Conservation has no objection to the application as presented.</p>



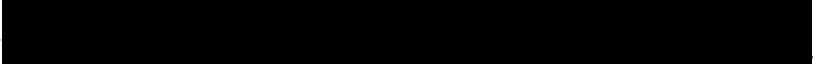
Sam Carney
 Planning and Regulations Technician

10/3/2019
 Date

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

Date Received: Sept. 13, 2019

File No: MV-31-19-P

1. Name of Owner(s): 

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: 10 Lot Number: 7

Street Number: 2114 Name of Road/Street: Hambly Lane

Reference Plan Number: 13R 9026 Part Number(s): 1,2,3,4,5,6

Roll Number: 102908004017600

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): 89.57 Frontage (on road/lane): 160.0'
Depth: 209.10 Area: 18,93370 ft² 0.436ac.

5. The current zoning of the subject land:

RLSW - Limited Service Residential Waterfront

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

We are asking for a minor variance to extend the upper deck and change the staircase from the front to the side of the house for easier access

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

We are within the 30 m high water mark

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

Name of Road/Lane: Hambly 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?

single family 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:

5) Residence

Type of Structure (E.g. residence)	(1) <i>Storage Shed</i>	(2) <i>Upper Deck (front)</i>	(3) <i>Lower Deck (front) (patio on the ground)</i>	(4) <i>Back Deck (patio on the ground)</i>	
Setback from Front Lot Line	<i>120'</i>	<i>68'</i>	<i>55'</i>	<i>105'</i>	75'
Setback from Rear Lot Line	<i>25'</i>	<i>85'</i>	<i>95'</i>	<i>94'</i>	85'
Setback from Side Lot Line	<i>15'</i>	<i>22'</i>	<i>35'</i>	<i>40'</i>	20.3'
Height of Building (Also indicate if it is one story or two story)	<i>1 storey</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	1 storey basement walkout at front
Dimensions of Floor Area	<i>25' x 8'6"</i>	<i>30' x 6' + 80 stairs 260 sq ft</i>	<i>23' x 21'</i>	<i>10' x 30'</i>	20' x 40'
Setback from High Water Mark (If applicable)	<i>120'</i>	<i>68'</i>	<i>55'</i>	<i>105'</i>	75'

13. The proposed uses of the subject land:

residential

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes No

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

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1) extension of <i>upper deck (front)</i>	(2)	(3)	(4)
Setback from Front Lot Line	<i>68'</i>			
Setback from Rear Lot Line	<i>125'</i>			
Setback from Side Lot Line <i>north</i>	12' <i>12'</i>			
Height of Building (Also indicate if it is one story or two story)	<i>N/A</i>			
Outside Dimensions of Building/Structure	<i>18' x 10' (north)</i> 18' x 10' (north) <i>9' x 21' (centre)</i> <i>3' x 18' (south)</i> 1423 #			
Setback from High Water Mark (If applicable)	<i>68'</i>			

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:

removal of upper deck

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:

July 5, 2002

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

1986

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

at least since 1986 (33 years)

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

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:

individual septic system

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

natural drainage

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

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes No

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

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

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

****Note: **** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

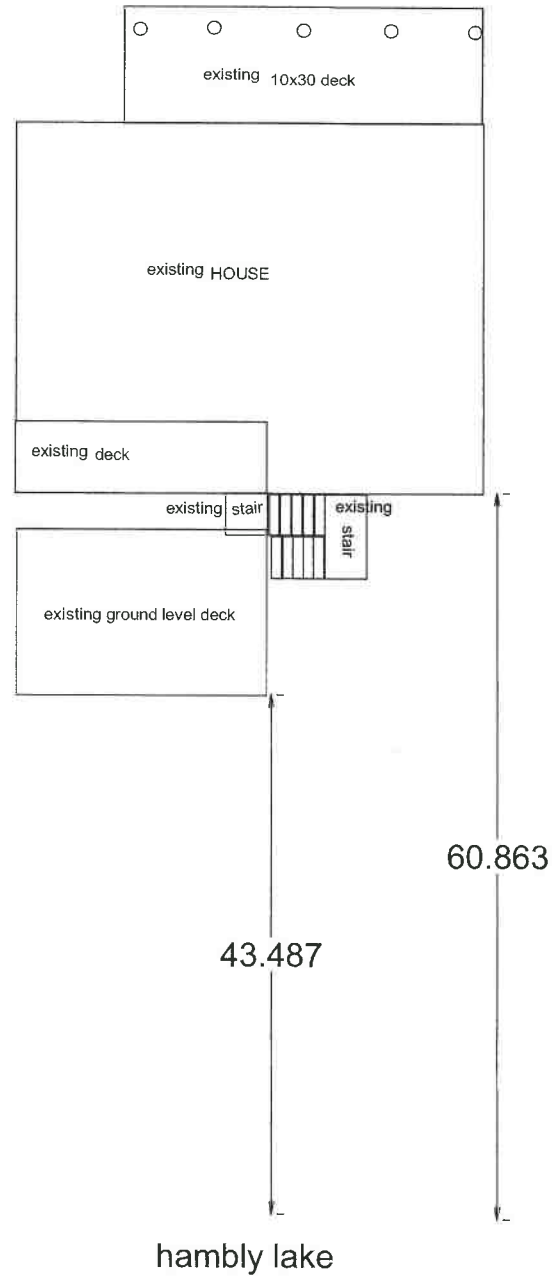
2114 hambly lane existing
Larry Eastman



Proposed Changes for Minor Variance

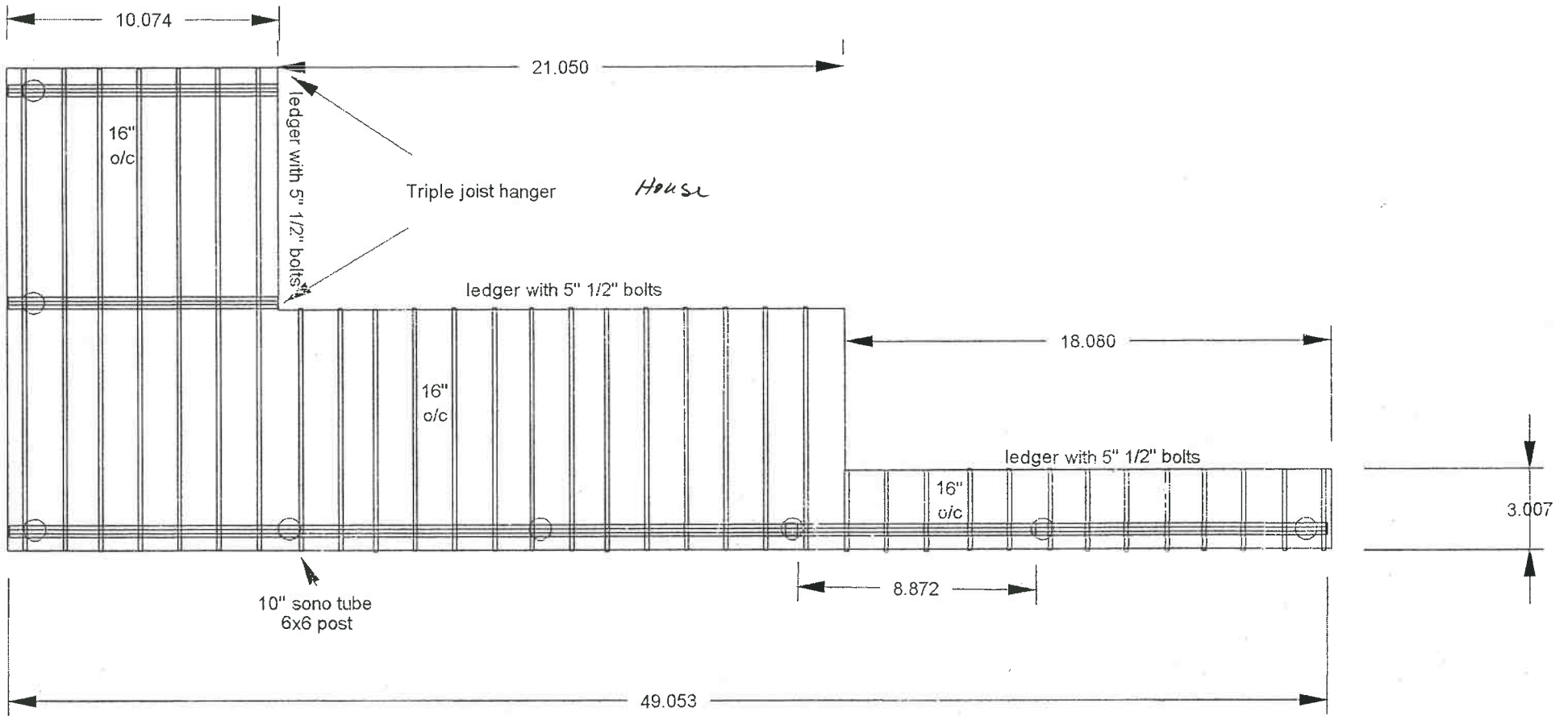
Remove the existing deck and stairs and rebuild a new deck to:

1. add and extend the old/existing upper deck by 3 feet across the entire front (water side) of the house.
2. remove the existing stairs (U-shaped with landing, see photo)
3. add a new portion to the upper deck on the north end of the house to accommodate the new stairs with less steps for easier use.



← Z

Proposed Upper Deck





*Sheet #2
septic, well
locations*



Inst. No. 453035

PART 1
PLAN 13R-8390

Instrument No. 488523

PART 2
PLAN 13R-8390

"REFERENCE LINE"

CONCESSION

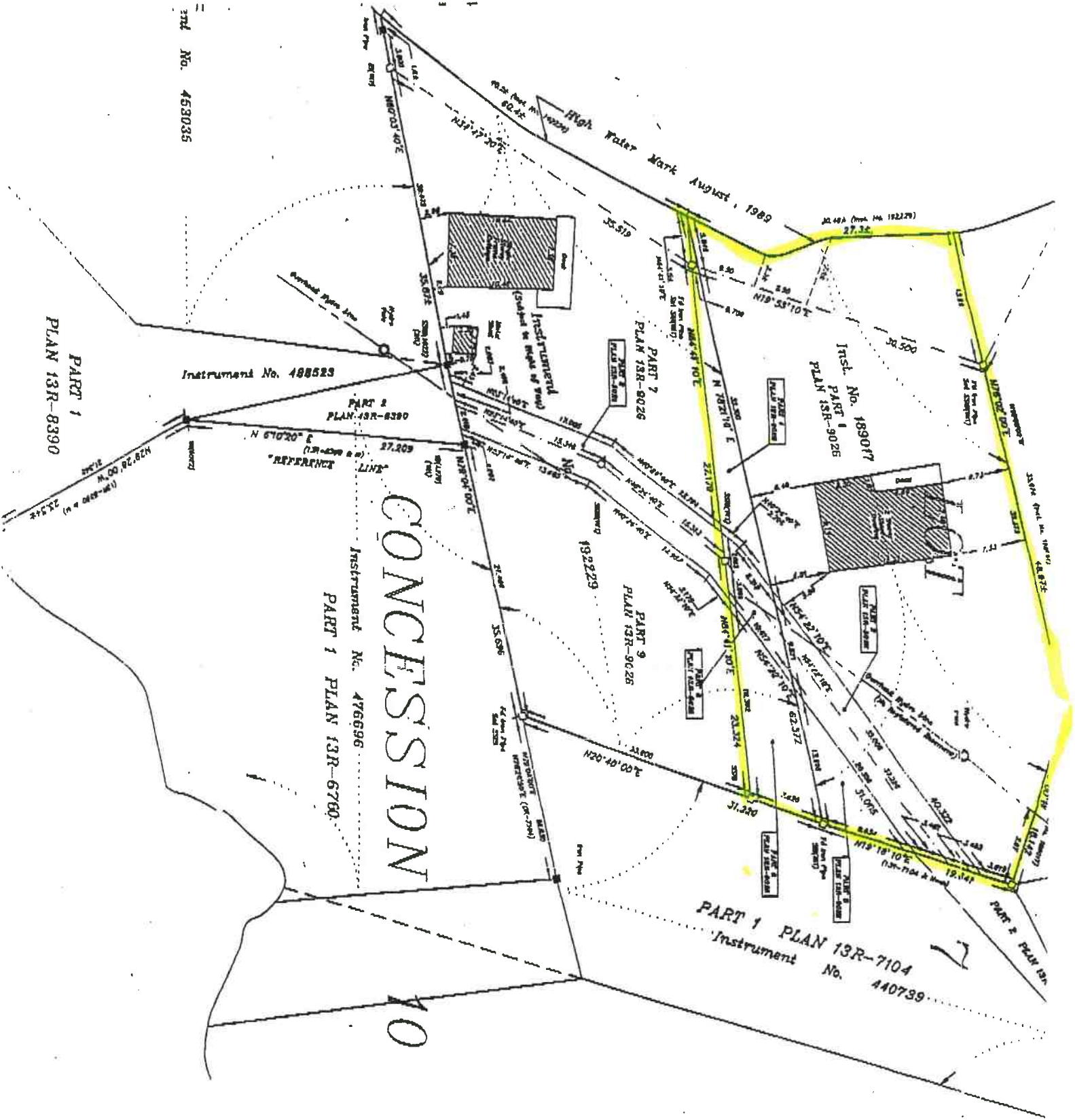
Instrument No. 476696
PART 1 PLAN 13R-6760

PART 1 PLAN 13R-7104
Instrument No. 440739

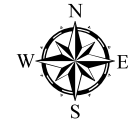
Inst. No. 189017
PART 1
PLAN 13R-9025

PART 7
PLAN 13R-9025

PART 9
PLAN 13R-9025





Inset Map

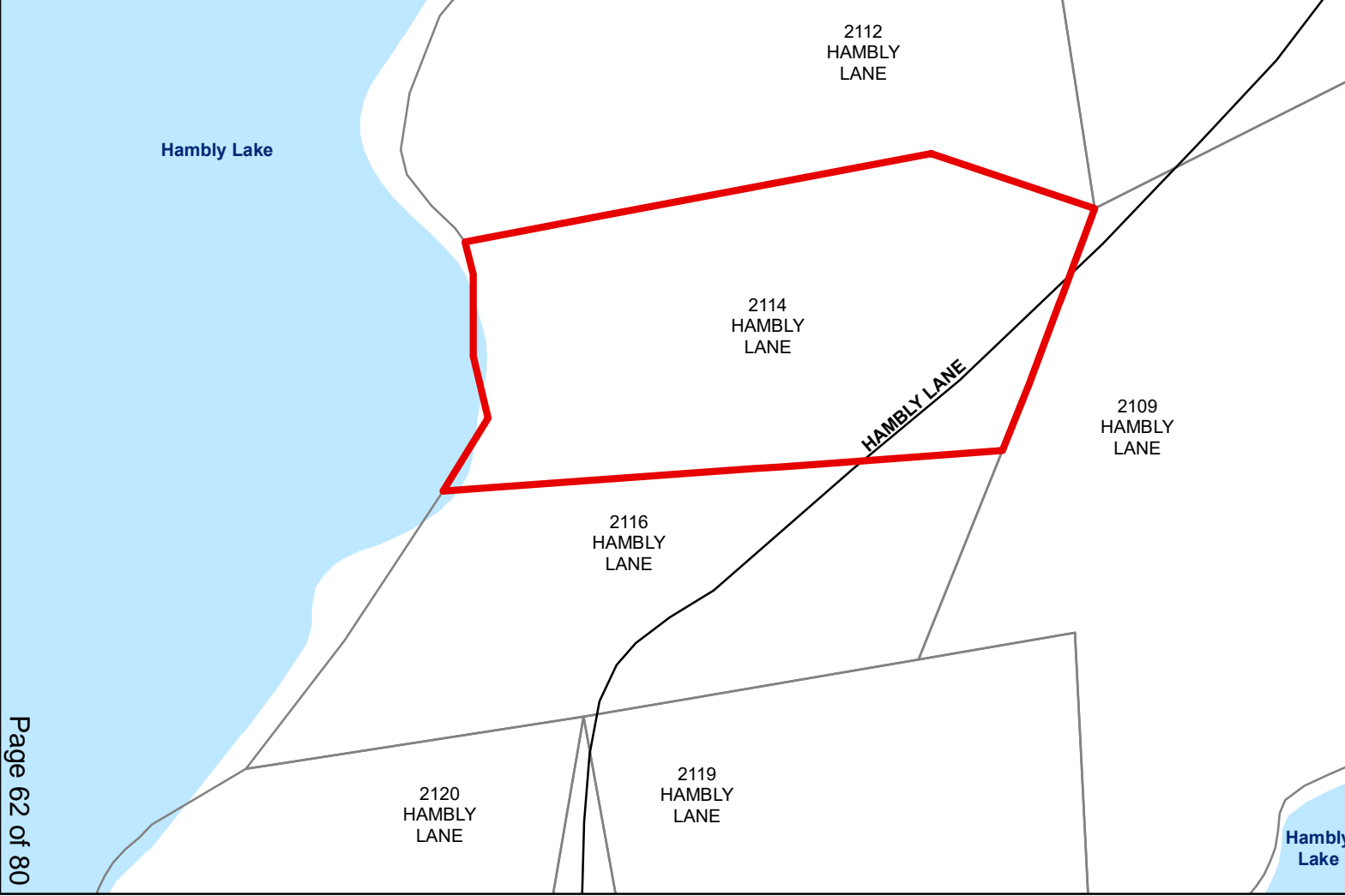


**EASTMAN
MV-31-19-P**

2114 HAMBLY LANE

Legend

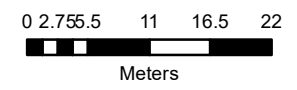
-  Eastman Property
-  Parcel Fabric



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 1:680



UTM Projection NAD 83



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



MINOR VARIANCE – PLANNING REPORT

Report Date: October 7, 2019

Application No: MV-32-19-S

Owner: Brian Morrison & Cherie Stewart

Location of Property: Part Lot 9 Concession 1, Lot 22, Part Block A on Plan 544, being Parts 15-22 on Plan 15881, District of Storrington, Township of South Frontenac, municipally known as 1004 Lucas Lane, Inverary, Loughborough Lake

Purpose of Application: To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw

Date of Hearing: October 10, 2019

Recommendation: That provisional approval be:

- granted with conditions (attached)
- deferred
- denied

Purpose:

- zoning relief for construction of a new structure
- zoning relief for replacement to an existing structure
- zoning relief for other

Official Plan Designation: Rural	
West Basin of Loughborough Lake: Highly Sensitive Lake Trout Lake	
Zoning: Limited Service Residential – Waterfront (RLSW) Zone	Zoning Relief Requested:
Section 5.8.2a: Flooding and Shoreline Erosion Hazards	Relief: 30 metres from the highwater mark to 6.1 metres to the highwater mark of Loughborough Lake for the new deck addition.
Section 10.3.1: RLSW for the Principal Building – 30m setback to the highwater mark	Relief: 30 metres from the highwater mark to 8.53 metres to the highwater mark of Loughborough Lake for the new landing. Relief: 30 metres from the highwater mark to 9.75 metres to the highwater mark of Loughborough Lake for the new stairs.

Review: This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms with the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Conforms with the general intent and purpose of the Township of South Frontenac Official Plan;
- ✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);
- ✓ Is desirable for the appropriate development of the lands in question; and
- ✓ Is minor.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Proposal

An application for minor variance has been submitted to permit the demolition of an existing deck consisting of 410.5 ft² and construction of a new deck consisting of 412.5 ft² with relocation of stairs consisting of 16 ft² and landing consisting of 16 ft² to be constructed to the existing dwelling located at Part Lot 9 Concession 1, Lot 22, Part Block A on Plan 544, being Parts 15-22 on Plan 15881, District of Storrington, Township of South Frontenac, municipally known as 1004 Lucas Lane, Inverary, Loughborough Lake (see attached map).

The property is located on the north side of Lucas Lane on the south shore of the west basin of Loughborough Lake. The property is elevated at Lucas Lane and slopes towards the existing dwelling and towards Loughborough Lake. The property contains an existing dwelling, detached garage and shed.

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 a waterfront lot with 81.7 feet (24.9 metres) of waterfrontage along Loughborough Lake and is an existing undersized lot consisting of approximately 0.738 acres (0.31 ha) in area. Lucas Lane intersects the lot near the southern portion of the property. As the property has topography changes and is an undersized lot, the location for the slightly enlarged decking, attached to the detached dwelling unit, is the most appropriate location on the lot.

The current owners purchased the property on August 11, 2010. The dwelling was constructed in April 2011, the garage in November 2015 and the septic system was installed in May 2015. A water intake system from the lake is used for the dwelling. The applicant has indicated that the property was not subject to a previous consent or minor variance application. The applicant applied for a demolition permit on August 14, 2019 for the demolition of the exterior deck.

The property has a number of existing trees and landscaped areas on the site with dock at the waterfront. The surrounding area contains existing seasonal and year round dwellings located along the shoreline of Loughborough Lake in proximity to this site.

Staff have reviewed the Cataraqui Region Conservation Authority comments and feel that a development agreement is an appropriate tool to establish environmental policies for the property.

Planning Analysis

Agency Analysis and Comments

KFL&A Public Health – The application was not circulated to the Health Unit as the septic system is located south of the existing house and garage on the opposite side of the proposed deck.

Cataraqui Region Conservation Authority (CRCA)– Comments dated September 30, 2019 from the CRCA indicate that the development complies with the minimum 6 metres setback from the regulatory floodplain of a waterbody and the development will be located outside the erosion hazard limit. Staff recognize that the existing dwelling is in non-compliance with the current zoning by-law and is located within the 30 metre setback from the highwater mark of Loughborough Lake and that the deck, stairs and landing will be within the 30 metre setback from the highwater mark. The proposed addition does not encroach closer to the water than the existing development, is minor in nature and complies with the lot coverage provisions. Staff recommend that as part of site plan control, that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and the CRCA.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Staff have no objections to the approval of MV-32-19-S based on their consideration for natural hazards, natural heritage and water quality and quantity protection policies. The proposed development will require a permit from the CRCA as per Ontario Regulation 148/06 prior to development taking place.

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

Conclusion

The proposed application to permit the development of the construction of a replacement deck with stairs and landing to be constructed to the existing dwelling located at Part Lot 9 Concession 1, Lot 22, Part Block A on Plan 544, being Parts 15-22 on Plan 15881, District of Storrington, Township of South Frontenac, municipally known as 1004 Lucas Lane, Inverary, Loughborough 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 deck with staircase and landing will be constructed onto the existing single detached dwelling located on the rural waterfront property in an area where it had previously been located. The deck and staircase will be located as far back as possible from the waterfront given the constraints on the lot that prevent the cottage from achieving a greater setback.
- The variance conforms to the general intent and purpose of the Zoning Bylaw. The proposed dwelling complies with the zoning provisions in the Zoning By-law for the RLSW Zone with the exception of the setback to the highwater mark for the new deck and staircase. Achieving the 30 metre setback would not be possible as the existing structure is within the 30 metre setback to the highwater mark. The CRCA have indicated that they have no objection to the approval of the minor variance.
- The variance is desirable for the appropriate development of the lands in question as development is no closer to the water than existing buildings or structures on the property.
- The variance is minor because the proposal seeks to maintain the waterbody setback given the location of the existing dwelling and septic system. The proposed addition does not exceed lot coverage.

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. The Minor variance is for the construction of a deck, stairs and landing to be constructed to an existing single detached dwelling, as per the drawings submitted with MV-32-19-S. The deck will be a minimum of 6.1 metres to the highwater mark of Loughborough Lake, the landing will be a minimum of 8.53 metres to the highwater mark of Loughborough Lake and the stairs will be a minimum of 9.75 metres to the highwater mark of Loughborough Lake in the Limited Service Residential - Waterfront Zone.
2. The applicant is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address the matters outlined in the September 30, 2019 letter from the Cataraqui Region Conservation Authority and requirements of the Township.
3. The Owner is required to obtain a permit prior to development commencing from the CRCA under Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the CRCA.
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 the approval from the Township of South Frontenac.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



5. Minor variance MV-32-19-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

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: September 5, 2019

Attachments: Map of the Morrison/Stewart 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

Member of



September 30, 2019

File: MV/FRS/228/2019

Sent by Email

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

Dear Ms. Gravel:

**Re: Application for Minor Variance MV-32-19-S (Morrison / Stewart)
Lot 22, Concession 1; 1004 Lucas Lane
Township of South Frontenac (Loughborough District)
Waterbody: Loughborough Lake (West Basin)**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for minor variance, and provide the following comments for the Committee of Adjustment's consideration. The site was visited by staff on September 27, 2019.

The proposal involves the construction of a deck addition, landing and stairs onto a dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) and Section 10.3.1 of the South Frontenac Zoning By-law, to 6.1 metres in order to permit the construction of a deck addition.
- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) and Section 10.3.1 of the South Frontenac Zoning By-law, to 8.53 metres in order to permit the construction of a landing.
- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) and Section 10.3.1 of the South Frontenac Zoning By-law, to 9.75 metres in order to permit the construction of stairs.

Site Description

The property is located on the north side of Lucas Lane on the south shore of the west basin of Loughborough Lake. The topography of the site can be characterized as rising quickly from the highwater mark to the existing dwelling, then rising up again toward Lucas Lane. Currently, the property contains a dwelling and associated development.

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

Discussion

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

Natural Hazards

Flooding: The highest recorded water level for Loughborough Lake is 125.03 metres geodetic. For Loughborough Lake, the highest recorded water level is used in lieu of an engineered flood plain. The CRCA Planning Policy requires all development and site alteration to be setback a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, the development proposal complies with this policy.

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 defines the extent of potential erosion hazards to include an allowance for toe erosion (estimated to be 1 metre), and a stable slope allowance for till shorelines of 3(h):1(v) (estimated to be 4.5 metres). Therefore, the erosion hazard extends 5.5 metres inland from the stable toe of slope. Staff note that the proposed development will be located outside of the erosion hazard limit.

Water Quality

The Official Plan recognizes the need to minimize lake impacts by reducing phosphorous inputs, preventing erosion and maintaining natural appearances. Accordingly, policies have been included that can vary the setback from the highwater mark from 30 to 90 m depending on the site characteristics such as steepness of slope, vegetation cover, soil depth and soil phosphorus retention. Section 5.2.7 (b)(ii)(3) of the Official Plan indicates that a reduction from the setback may only be considered if it is not physically possible or environmentally desirable to meet the 30 m setback requirement, and that there will be no negative impacts to fish habitat or water quality.

CRCA staff recognize that the existing residential dwelling is in non-compliance with the current zoning by-law for the Township of South Frontenac and is entirely situated within the required 30 m setback from the high water mark on Loughborough Lake. The proposed construction of an addition to the structure will therefore also be within the water setback.

Similarly to the Official Plan, the CRCA Planning Policy considers new development within the 30 metre water setback area only if there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property, and is set back as far as possible from the water in all directions, complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development. The proposed addition does not encroach closer to the water than existing development, is minor in nature, and complies with lot coverage provisions.

In addition, staff note that Section 5.2.8 of the Official Plan requires that development adjacent to a sensitive lake trout lake will be subject to site plan control. *Staff recommend that as part of site plan control, that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and the CRCA.*

Recommendation

Staff have no objection to the approval of application MV-32-19-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. The proposed development will require a permit from the CRCA prior to development taking place.

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. Brian Morrison & Cherie Stewart, Owners (via email)
Michelle Hannah, Planning Assistant (via email)

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

Date Received: Sept 13, 2019

File No: MV-32-19-5

1. Name of Owner(s): [REDACTED]

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: _____

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: 1 Lot Number: 22

Street Number: 1004 Name of Road/Street: LUCAS LANE

Reference Plan Number: 13R-15881 Part Number(s): 15,16,17,18,19,20,21,22

Roll Number: 10 29 060 010 10300 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): 81.7 FT Frontage (on road/lane): 74.26 FT.
Depth: 412.10 FT. Area: 33,464.97 (.768 AC.)

5. The current zoning of the subject land:

SINGLE FAMILY DETACHED ON WATER RLSW ZONE

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

TO ENLARGE THE SIZE OF THE DECK
SECTION 5.8.2 a 30 HWM SECTION 10.3.1
30 M HWM

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

ENCROACHING 30 M HWM

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

Name of Road/Lane:

CEDAR RIDGES LANE & LUCAS 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?

SINGLE FAMILY RESIDENCE

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

Yes No

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

12. If the answer to item 11 is yes, for **EACH** building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	RESIDENCE	GARAGE	SHED	DECK.
Setback from Front Lot Line	62' 32'	30M	70.5'	20'
Setback from Rear Lot Line	350'	291' 315'	340'	362'
Setback from Side Lot Line	41' 9"	3M	3'	41' 9"
Height of Building (Also indicate if it is one story or two story)	ONE STOREY 20'	22.5' 2 STOREY	10'	5' 6"
Dimensions of Floor Area	IRREGULAR 1020 SQ.FT.	24' x 32'	8' x 12' 3"	12' 6" x 32' 10"
Setback from High Water Mark (If applicable)	33'	100'	80.5'	20'

13. The proposed uses of the subject land:

MAINTAINING EXISTING USE

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)
	DECK		STAIRS	LANDING
Setback from Front Lot Line	20'		24'	16'
Setback from Rear Lot Line	362'		358'	362'
Setback from Side Lot Line	41'9"		37.75'	37.75'
Height of Building (Also indicate if it is one story or two story)	5'6"		3'6" - 5'6"	5'6"
Outside Dimensions of Building/Structure	12'6" x 33' ← 342 sq. FT.		4' x 4' 16 sq. FT.	4' x 4' 16 sq. FT.
Setback from High Water Mark (If applicable)	20'		32'	28'

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:

→ COPY OF PERMIT ATTACHED

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:

AUGUST 11, 2010

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

HOUSE - APRIL, 2011 GARAGE - NOV, 2015 SEPTIC - MAY, 2015

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

AUG. /10 - PRESENT

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

LAKE INTAKE

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

A PRIVATELY OWNED SEPTIC SYSTEM

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

DITCHES & SWALES

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

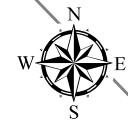
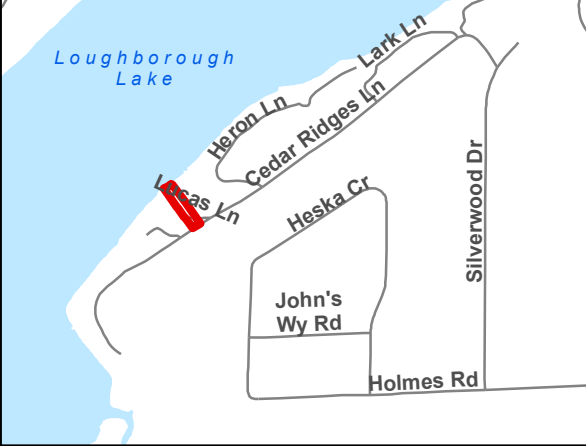
28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

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.

Inset Map

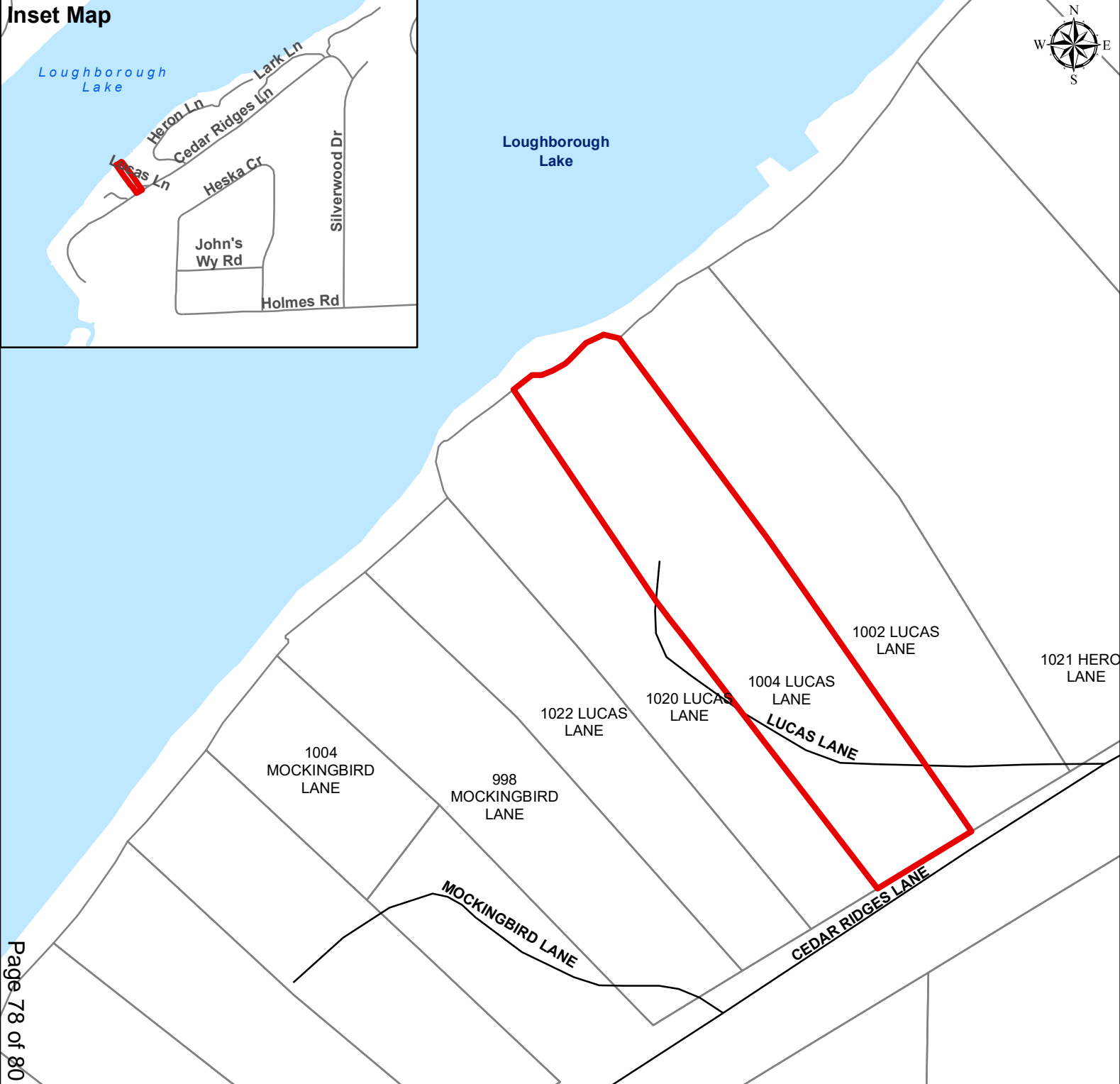


**MORRISON & STEWART
MV-32-19-S**

1004 LUCAS LANE

Legend

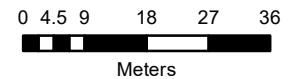
-  Morrison & Stewart Property
-  Parcel Fabric



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

Scale 1:1,100



UTM Projection NAD 83

LOUGHBOROUGH LAKE

PIN 36278-0708

