

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

TIME: 7:00 PM,
DATE: Thursday, September 12, 2019
PLACE: Council Chambers.

1. Call to Order
 - a)
2. Adoption of Agenda
 - a)
3. Declaration of pecuniary interest
4. Approval of Minutes – August 8, 2019
 - a)
5. Consent Applications:
 - a) S-15-19-S (Sands & Weatherby) 3 - 17

Location: Part Lot 24, Concession 11, being Part 2 & 3 on Plan 13R12560 and Part 2 on Plan 13R-19790, Cranesnest Lake, District of Storrington, Township of South Frontenac, municipally known as 1206B Burnt Hills Road.

Purpose of Application: consent to create one new vacant lot consisting of approximately 2.43 hectares (6 acres) with 76 metres (250 feet) of road frontage along Burnt Hills Road and 91.44 metres (300 feet) of water frontage. The retained lot contains a single detached dwelling, detached garage and shed and will consist of approximately 8.09 hectares (20 acres) with approximately 152.4 metres (500 feet) of road frontage along Burnt Hills Road and 137.16 metres (450 feet) of water frontage.
 - b) S-16-19-B (Schaal) 18 - 33

Location: Part Lot 7, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 7 Beechwood Lane, Thirty Island Lake

Purpose of Application: Consent of a conveyance of a lot addition consisting of approximately 0.036 hectares (0.089 acres) with approximately 9.144 metres (30 feet) of water frontage and a width of 39.55 metres (129.77 feet) to be merged with the property addressed as 11 Beechwood Lane which contains an existing cottage, gazebo and shed. The retained lot, consists of approximately 0.58 hectares (1.43 acres) and approximately 112.78 metres (370 feet) of water frontage and is vacant.
6. Minor Variance Applications:
 - a) MV-11-19-B (Kimmitt) 34 - 64

Location: Part Lots 23 & 24, Concession 10, being Parts 1-3 & 8 on Plan 13R20629, District of Bedford, Township of South Frontenac, municipally known as 966 Lee Road, Wolfe Lake.

Purpose of Application: To alter and enlarge a building or structure located within the 30 metre setback from the highwater mark and within 120 metres of the Provincially Significant Wetland, said building is located at 18 metres (60 feet) from the highwater mark/Provincially Significant Wetland. The height of the building will

increase as will the overall footprint of the seasonal dwelling. The applicant is seeking relief from Section 5.10.2, Existing Buildings within 30 Metres (98.4 feet) of a Waterbody or Watercourse, 8.3.3 Waterfront Residential Zone (RW) Regulations, and Section 8.5 Special RW – Waterfront Residential Zones (RW-35).

- b) MV-28-19-B (Wagar & Sinclair) 65 - 83
Location: Part Lot 1, Concession 4, municipally known as 42B Windy Bay Lane, Desert Lake, District of Bedford, Township of South Frontenac
Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 12.2 metres (40 ft) to permit the construction of a 300 ft² sleep cabin behind the existing cottage. 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 located in the Limited Service Residential Waterfront (RLSW) Zone.

 - c) MV-29-19-B (Hollinsworth & Murphy) 84 - 101
Location: Part Lot 7, Concession 13, Parts 3 & 4 13R17713 municipally known as 1101 Lloyd Lane South, Howes Lake, District of Portland, Township of South Frontenac
Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 19 metres (62.3 ft) to permit the construction of a 1008 ft² single detached dwelling and to increase the maximum permitted lot coverage from 5 percent to 5.5 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.
7. Other Business
8. Adjournment



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PLANNING REPORT – CONSENT APPLICATION

Report Date: September 6, 2019
Application No: S-15-19-S
Owner: Heather Sands & Craig Weatherby
Location of Property: Part Lot 24, Concession 11, being Part 2 & 3 on Plan 13R12560 and Part 2 on Plan 13R19790, Cranesnest Lake, District of Storrington, Township of South Frontenac, municipally known as 1206B Burnt Hills Road
Purpose of Applications: Consent for Creation of One New Vacant Residential Waterfront Lot
Date of Hearing: September 12, 2019

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application S-15-19-S for the creation one new vacant waterfront lot to allow the applicant an opportunity to work with Planning staff to explore the options of creating a residential lot that is a more suitable location on the subject property.

Proposal

An application for consent has been submitted for the creation of one new vacant waterfront lot at Part Lot 24, Concession 11, being Part 2 & 3 on Plan 13R12560 and Part 2 on Plan 13R-19790, Cranesnest Lake, District of Storrington, Township of South Frontenac, addressed as 1206B Burnt Hills Road (see attached map). The subject property is located on the north side of Burnt Hills Road. The property has an existing single family dwelling, detached garage and shed. Existing cottages are located to the east of the subject lands. An existing driveway from Burnt Hills Road provides access to 1206B Burnt Hills Road and to the two cottages to the east of the subject lands.

In review of the severance application, Planning staff do not feel that the dimensions and shape of the proposed new lot is suitable for the purpose that it is proposed to be severed. Staff recommend deferring the application to allow the applicant with the opportunity to revise the application.

Once an amended consent application has been received from the applicant, a detailed report will be prepared with a planning analysis and recommendation which will be brought forward to a future Committee of Adjustment meeting for discussion and approval.

Submitted by:

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

Approved by:

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

Date of Site Visit: August 15, 2019

Attachments:

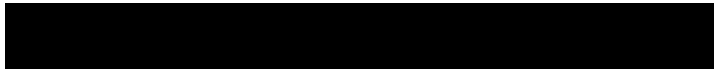
Map of Sands/Weatherby property.

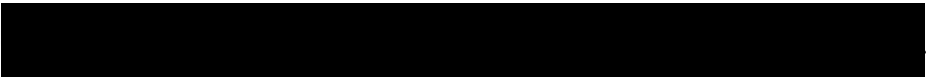
TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: July 17/19

File No: S-15-19-S

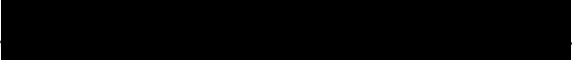
1. Name of Owner(s): Heather Sands & Craig Weatherby
Full Mailing Address of Owner(s): 1206 B Burnt Hills Rd

Phone number of Owner(s): 

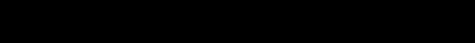
Email Address of Owner(s): 

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: Megan Sands

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: 11 Lot Number: 24

Street Number: 1206 B Name of Road/Street: Burnt Hills Rd

Reference Plan Number: BR 12560 Part Number(s): 2+3

Roll Number: 670-060-3114-0000

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

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

Frontage (on water): 250 FT Frontage (on road/lane): 250 FT
 Depth: 700 FT Area: 26 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 to create 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 250 FT

Frontage On Road 500 FT

Frontage On Water 250 FT

Frontage On Water 500 FT

Depth 450 FT

Depth 1300 FT

Area 13 500 sq FT

Area 650 000 sq FT

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

Existing Uses

Proposed Uses

New Lot: Field

House

Retained: Residential

Structures Existing

Structures Proposed

New Lot: g

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: House + Garage

0

(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*):

Megan Sorals

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*):

Ø

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Burnt Hills Rd

The retained lot: Burnt Hills 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: well

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

New Lot: private septic Retained Lot: septic

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

Residential

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

(a) The file #: B-011-94 (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):

Residential Lot Addition

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 #: 0 (b) The decision on the application:

(c) The current use of the land: 0

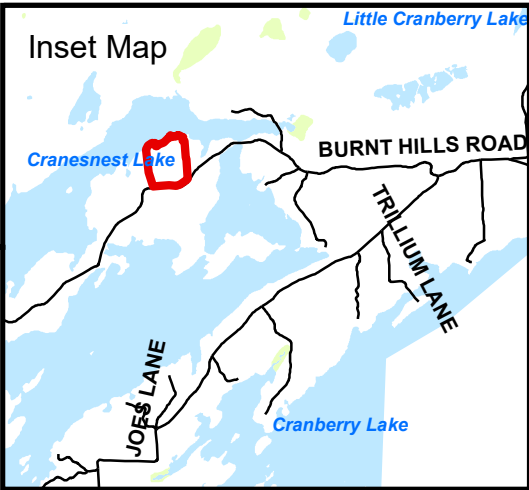
15. Are there any abandoned wells on the property you aware of? Yes No

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.**



**SANDS / WEATHERBY
S-15-19-S**

1206B BURNT HILLS RD

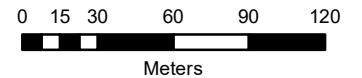
Legend

-  Sands Parcel
 -  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.

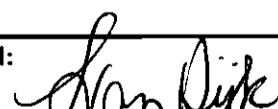
While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:3,000



UTM Projection NAD 83

CONSENT TO SEVER INSPECTION REPORT

File Number: S-15-19-S			Receipt Number: K-34-2019		
Owner(s): Heather Sands & Craig Weatherby					
Municipality: Township of South Frontenac			Ward / Former Township: Storrington		
Lot: Pt 24	Concession: 11	Registered Plan: 13R12560 & 13R19790	Part(s): 2 & 3 and Part 2	Plan of Subdivision:	Sublot:
General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)					
Severed: No existing buildings, mostly treed.					
Retained: Residential home, mostly treed.					
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.					
Severed		Depth of Soil	Retained		
TH-1 silty sand/ TH-2 Sand,Clay mix		0.0 m	N/A		
		0.3 m			
		0.6 m			
		0.9 m			
		1.2 m			
		1.5 m			
----->					
Percolation rate (estimated): [min/cm]			Percolation rate (estimated): [min/cm]		
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:					
<u>SEVERED</u> <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.			
<u>RETAINED</u> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> Site Flexible <input type="checkbox"/> Site Specific		Conditions: N/A			
Inspector: Sarah Van Dijk CPHI(C), Public Health Inspector		Approved: 		Date: August 27, 2019	

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

August 19, 2019

File: SEV/FRS/198/2019

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 Consent to Sever S-15-19-S (Sands / Weatherby)
Part Lot 24, Concession 11; 1206B Burnt Hills Road
Township of South Frontenac (Storrington)
Waterbody: Cranesnest Lake / Dog Lake**

Staff of the Rideau Waterway Development Review Team (RWDRT), made up of staff from the Cataraqui Region Conservation Authority (CRCA) and Parks Canada, has reviewed the above-noted application for consent to sever and offer the following comments for the Land Division Committee's consideration.

Summary of Proposal

The applicant has requested severance of a 2.43 hectare parcel of land from the property known as 1206B Burnt Hills Road (lot to be severed). It is proposed that the lot to be severed will have 76 metres of road frontage onto Burnt Hills Road and approximately 91 metres of water frontage onto Cranesnest Lake. The lot to be retained would be approximately 8.1 hectares in area with approximately 152 metres of water frontage.

Site Description

The subject property is located on the north side of Burnt Hills Road and the severed and retained parcels have water frontage onto Cranesnest Lake which is hydrologically attached to Dog Lake. The lot to be severed is presently vacant and is proposed to be used for residential purposes. The lot to be retained contains a residence, a detached garage and associated development.

The property is currently designated 'Rural' in the Official Plan and 'Rural' (RU) in the implementing Zoning By-law for South Frontenac Township. Cranesnest Lake itself is zoned 'Environmental Protection' (EP) in the Zoning By-law.

Discussion

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

Natural Hazards

Flooding: The maximum recorded water level for Cranesnest Lake is 98.95 metres geodetic. For Cranesnest Lake, the maximum recorded water level is used in lieu of an engineered flood plain. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, there is considerable area for development to occur beyond the required setback from the flood plain.

Erosion: Section 5.8.2.b) of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum of 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. The CRCA defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for rock of 1(h):1(v), plus an erosion access allowance of 6 metres. Based upon available mapping data, staff have concluded that the lot to be severed contains a suitable development envelope outside of the erosion hazard setbacks described above. Therefore, staff have no concerns with the application from an erosion hazard perspective.

Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the CRCA's Planning Policy (April 2015) contains provisions that seek to support these objectives. The Official Plan recognizes the need to minimize impacts to water quality by reducing phosphorous inputs, preventing erosion and maintaining natural appearances. Accordingly, policies have been included that can vary the setback from the highwater mark from 30 to 90 metres depending on the site characteristics such as steepness of slope, vegetation cover, soil depth and soil phosphorus retention.

Policy 6.1.6 of the CRCA's Planning Policy suggests that development setbacks should be based on the findings of lake management plans and site evaluation guidelines if available. For Precambrian shield lakes such as this one, Appendix G of the Planning Policy is used to establish an appropriate setback for future development. Appendix G was developed in consideration of the findings of a report entitled "Assessment of Municipal Site Evaluation Guidelines for Waterfront Development in Eastern Ontario's Lake Country" completed by Hutchinson Environmental Sciences Ltd. (April 2014). These guidelines define a horizontal water setback distance based upon site characteristics such as soil texture and depth, slope and vegetation along the shoreline. Based upon observations made during the site visit, the recommended minimum depth of shoreline buffer for development for the lot to be severed should be 40 metres to protect the water quality of Cranesnest Lake.

In order to ensure that future residential development is consistent with the 40 metre setback noted above, staff recommend that additional controls be placed on the severed lot. Specifically, it is recommended that the severed lot be rezoned to a site specific waterfront residential zone that requires a 40 metre setback provision for new development (including the septic system). It is also recommended that the severed lot be subject to site plan approval to control the location of buildings, structures and site alteration on the subject lot. Staff also recommend that the municipality require that the area within 30 metres of the highwater mark be maintained in a natural state.

Staff note that there appears to be a suitable development envelope outside of the recommended 40 metre setback from the lake on the lot to be severed.

Rideau Canal National Historic Site and UNESCO World Heritage Site

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

RWDRT staff believe that impacts to the visual character of the landscape will be minimized by maintaining a natural vegetated buffer within 30 metres of the lake.

Recommendation

RWDRT staff have no objection to the approval of application S-15-19-S based on our consideration for natural hazards, natural and cultural heritage, and water quality and quantity protection policies provided that development be set back a minimum of 40 metres from the highwater mark on the severed lot to protect the water quality of Cranesnest Lake. To achieve this, staff recommend rezoning the severed lot to a site specific waterfront residential zone requiring a 40 metre setback for development and that the lot be subject to site plan control. It is also recommended that a 30 metre natural vegetated buffer be maintained through the site plan control.

Regulatory Requirements

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

The CRCA, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, regulates development within 15 metres of a flood plain or erosion hazard, and within 15 metres of the top of valley. Therefore, a permit may be required for proposed development on the severed and retained lots. The applicant or future owners of the lands will be required to contact the undersigned at the building permit stage for more information regarding permitting requirements under Ontario Regulation 148/06.

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

Ms. Gravel (S-15-19-S)
August 19, 2019

Yours truly,



Andrew Schmidt
Supervisor, Development Review

c.c. Heather Sands and Craig Weatherby, Applicants (via email)
Tom Green, Parks Canada (via email)
Michelle Hannah, Township of South Fronteanc (via email)

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?

Proposed entrance location on a blind corner due to horizontal and vertical curvature of the road at this location. The topography of the proposed entrance is not ideal for an entrance and the maximum 12% Grade will not be achievable.

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

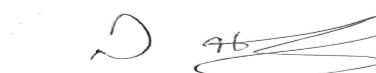
Any specific requirement?

Widening would support straightening horizontal curve located midway through proposed severed lands.

Approved by the Public Services?

Yes Yes, with conditions No

If yes, with conditions, please describe conditions below.



Signature on behalf of Public Services

Date



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PLANNING REPORT – CONSENT APPLICATION

Report Date: September 6, 2019

Application No: S-16-19-B

Owner: Richard Schaal

Location of Property: Part Lot 7, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 7 Beechwood Lane, Thirty Island Lake

Purpose of Application: Consent for a lot addition

Date of Hearing: September 12, 2019

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-16-19-B for the consent of a lot addition to Part Lot 7, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 7 Beechwood Lane, Thirty Island Lake.

Proposal

An application for consent has been received for the conveyance of a lot addition from an existing waterfront property at Part Lot 7, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 7 Beechwood Lane, Thirty Island Lake to an abutting property municipally known as 11 Beechwood Lane, Thirty Island Lake (see attached map). The existing lot is a vacant waterfront lot that has frontage on Beechwood Lane and water frontage on Thirty Island Lake. The applicant is proposing to sever approximately 0.036 hectares (0.089 acres) with approximately 9.144 metres (30 feet) of water frontage and a width of 39.55 metres (129.77 feet) to be added to a developed waterfront lot with water frontage on Thirty Island Lake.

S-16-19-B

Consent application S-16-19-B is for the conveyance of approximately 0.036 hectares (0.089 acres) of land with approximately 9.144 metres (30 feet) of water frontage and a width of 39.55 metres (129.77 feet) from an undeveloped lot municipally known as 7 Beechwood Lane. The lands will be added to a developed waterfront lot with water frontage on Thirty Island Lake municipally known as 11 Beechwood Lane. The proposed benefitting lands will increase in size from 0.43 acres to 0.519 acres. This will bring the benefitting lands closer to compliance with the current provisions for residential waterfront lots. The property at 11 Beechwood Lane contains an existing A frame cottage, gazebo at the water and shed. No development is proposed for the property at 11 Beechwood Lane.

Retained Lot

The property at 7 Beechwood Lane presently consists of 1.43 acres and 370 feet of water frontage along Thirty Island Lake. With the conveyance of the lot addition to 11 Beechwood Lane, the lands will consist of approximately 1.34 acres with approximately 340 feet of water frontage. No further development is proposed for the retained lands. The applicant owns 7 Beechwood Lane and is the estate beneficiary of 11 Beechwood Lane. The applicant is proposing this lot addition to legally transfer the parking that has been created for 11 Beechwood Lane in the event that one property is sold the parking will be transferred with the property. No development is proposed for either property.

Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	Limited Service Residential – Waterfront (RLSW) Zone
Complies with Zoning Bylaw 2003-75:	Yes

Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. When assessing consent applications on rural



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. The proposed lot addition will increase the benefitting lands to create a lot that is closer to meeting the minimum lot area requirements in the Limited Service Residential – Waterfront (RLSW) Zone in the South Frontenac Comprehensive Zoning By-Law, 2003.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. No further development is proposed for the lands to be conveyed; the benefitting lands are already developed and the additional lands will enlarge an existing undersized waterfront lot.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. The application was circulated to the Quinte Conservation Authority for review of natural hazards and natural heritage features under the PPS. Staff are satisfied that the application as presented is consistent with Section 3.1 of the PPS as there is sufficient area for development outside of any natural or flood-related hazard.

County of Frontenac Official Plan, 2016

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

Section 3.3 Rural Lands provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. The proposed consent application will increase the size of the benefitting lands to bring the lands closer to being in compliance with the County of Frontenac Official Plan, 2016.

Township of South Frontenac Official Plan, 2003

The subject property and benefitting lands are designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.7 Limited Service Residential Policies is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway. The lot addition application does not count towards the creation of a new rural residential lot as there is no increase in development proposed. The proposal will bring the benefitting lands closer to conforming to the policies for lot sizes for limited service residential uses. The retained lot will continue to meet the general intent of the Official Plan.

Township of South Frontenac Comprehensive Zoning Bylaw, 2003

The subject property is zoned Limited Service Residential – Waterfront (RLSW) in the Township of South Frontenac Comprehensive Zoning By-law, 2003. The intent of the RLSW Zone is to permit a seasonal dwelling or a single detached dwelling. The benefitting lands are zoned Limited Services Residential – Waterfront (RLSW) in the Township Zoning Bylaw and is developed with an existing cottage. The consent application will increase the size of the benefitting lands to bring it closer to compliance with the current zoning provisions. The properties at 7 Beechwood Lane and 11 Beechwood Lane will remain in the Limited Services Residential – Waterfront (RLSW) Zone.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Agency Analysis and Comments

Public Works Department – This department was not required to be circulated given the nature of the application

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

KFL&A Public Health – KFL&A Public Health have indicated that they have no objections to the proposed lot addition.

Quinte Conservation – Comments dated August 26, 2019 indicate that Quinte Conservation have no objection to the application. Staff at Quinte Conservation reviewed the application within the context of Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the PPS; Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) and Quinte Region Source Protection Plan which is not applicable. The owners will be required to apply to the Conservation Authority for a permit prior to any future proposed development (construction/filling/excavation/site grading) within 30 metres of the 1:100 year floodplain of Thirty Island Lake.

Recommended Conditions

Expiry Period

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

Severed Lands

2. The land to be severed by Consent Application S-16-19-B shall be for a lot addition with an area of approximately 0.089 acres to be conveyed only to 11 Beechwood Lane. (Roll No. 102902004007700).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part Lot 7, Concession 3 (PIN 36251-0075), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the *Planning Act*. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

Survey/Reference Plan or Registerable Description

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



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning By-law is evident, the appropriate minor variance or rezoning shall 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

Date of Site Visit: September 5, 2019

Attachments:

Map of Schall property.

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

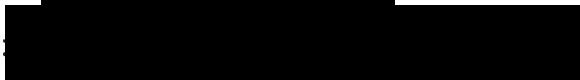
Date Received: May 15, 2019

File No: S-16-19-B

1. Name of Owner(s): RICHARD SCHAL

Full Mailing Address of Owner(s): 

Phone number of Owner(s): 

Email Address of Owner(s): 

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

Signature(s) of Owner(s)

3. The description of the subject land:

District: Bedford Portland Loughborough Storrington

Concession Number: 3 Lot Number: 7

Street Number: 7 Name of Road/Street: BEECHWOOD LANE

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

Roll Number: 020-040-07700-0000

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

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

Frontage (on water): ≈ 30' Frontage (on road/lane): NONE

Depth: _____ Area: _____

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

A 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: NONE

(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: NONE

Frontage On Road: NONE

Frontage On Water: ~ 30'

Frontage On Water: ~ 370'

Depth: 129.77'

Depth: 129.77' IRREGULAR

Area: 3,893.1 SQ FT.

Area: 1.43 ACRES

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

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W: COTTAGE

EMPTY

Retained: _____

Structures Existing

Structures Proposed

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

GAZEBO, SHED

Retained Lot: NONE

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

RICHARD SCHAAL

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

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

9. Name of road or lane which accesses:

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

The retained lot: STEVEN BARBOCK LANE

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

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

New Lot: _____

Retained Lot: _____

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

New Lot: _____ Retained Lot: _____

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

New Lot: _____ Retained Lot: _____

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

RLSW

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.

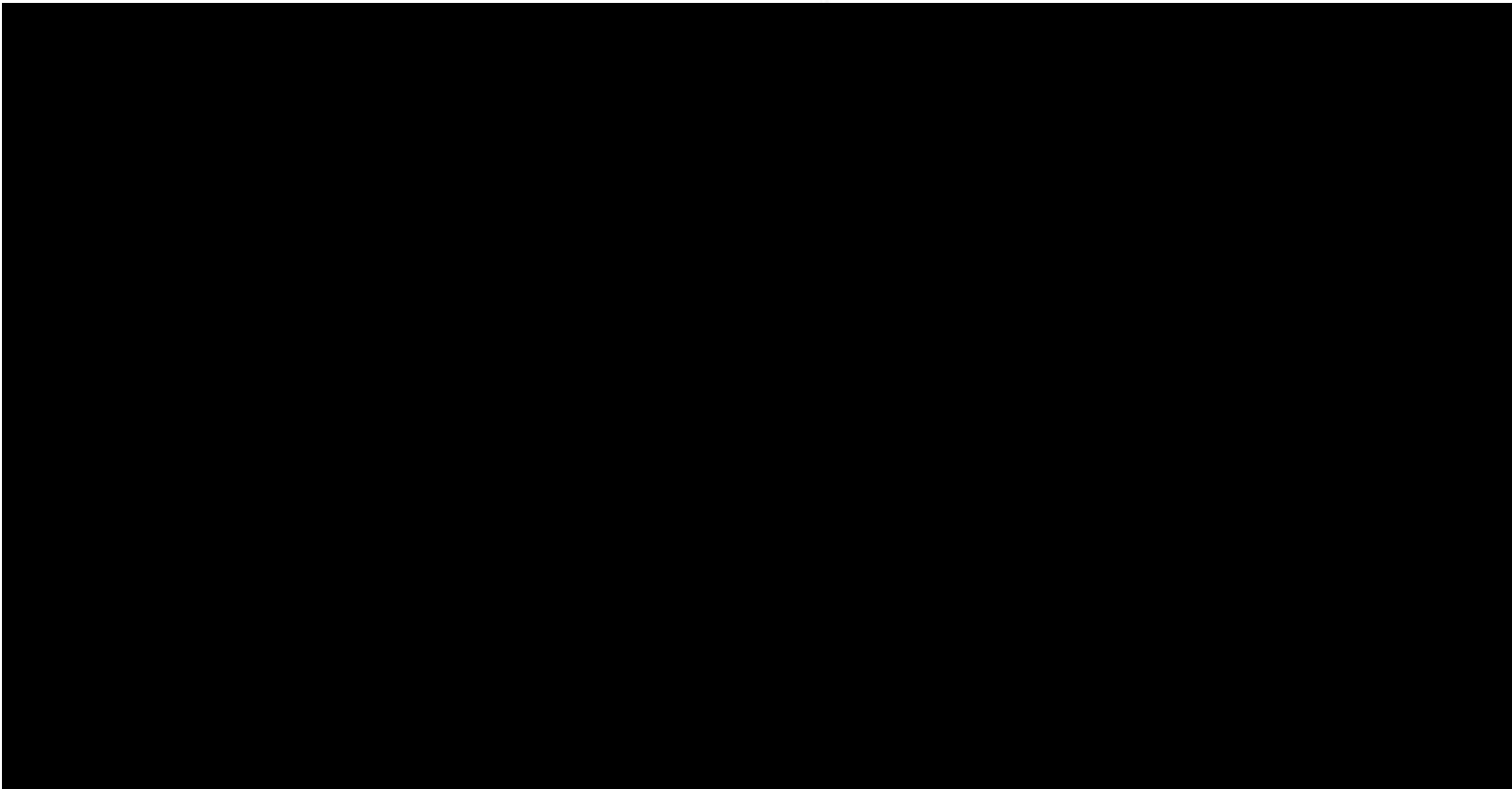
The Owner/Applicant/Agent agrees that the information recorded in this Consent Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the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



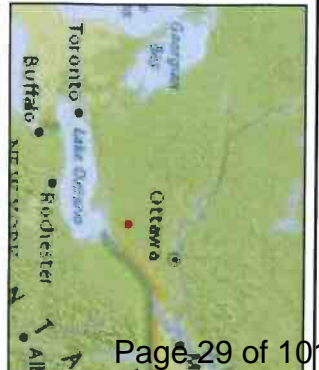


1:2,257



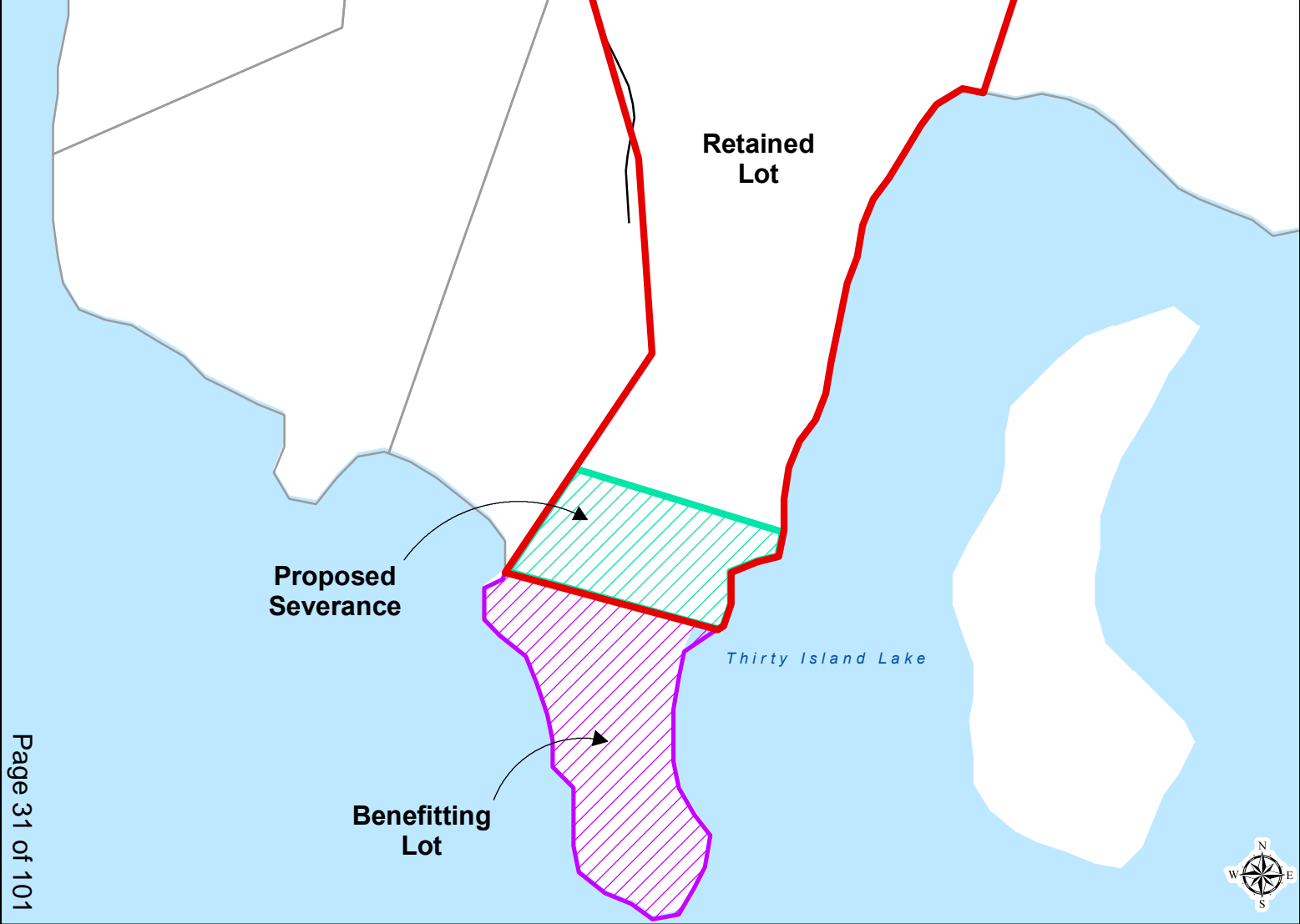
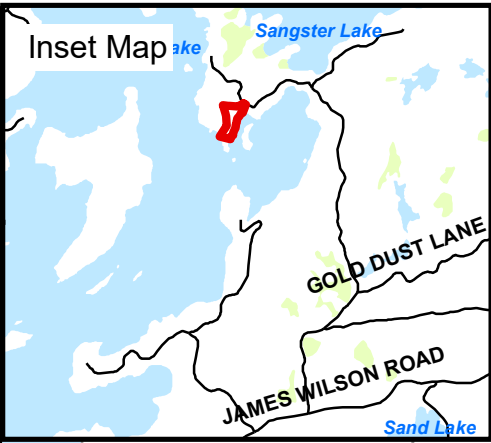
0.1
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0.06
0.1 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

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



- Legend**
- Assessment Parcels
 - Citations

Notes



**SCHAAL
S-16-19-B**

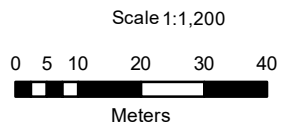
7 BEECHWOOD LANE

Legend

-  Schaal Property
 -  Proposed Severance
 -  Benefitting Lot
 -  Parcel Fabric
 -  River / Stream
 -  Provincially Significant Wetlands
- Waterbodies**
-  Water Area,
 -  Wetland Area,

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



KFL&A
Public Health

REQUESTS FOR COMMENTS

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

To:	Ms. Michelle Hannah Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON K0H 2T0
Application Number:	S-16-19B
Type of Application or Proposal:	Lot Addition
Applicant Name(s):	Schaal, Richard
Location:	Lot 7, Concession 3, Bedford 7 Beechwood Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the proposed lot addition.
Inspector:	 Joanne McGurn, CPHI(C), Public Health Inspector
Date:	September 03, 2019

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

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

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0202-2019

Municipality:	Township of South Frontenac		
Owner:	Richard Schaal		
Location:	7 Beechwood Lane	Part Lot 7, Concession 3	Bedford
Roll #:	1029-020-040-07600-00000		
Application Description:	Consent Appl'n File No. S-16-19-B	Sever approximately 0.036 hectares for the purposes of a lot addition to 11 Beechwood Lane which currently has an existing cottage, gazebo and shed. The proposed retained parcel is approximately 0.58 hectares in size and vacant.	
Regulated Feature:	Thirty Island Lake		
Comments:	<p><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands. <u>Staff are satisfied that the application as presented is consistent with section 3.1 of the PPS as there is sufficient area for development outside of any natural or flood-related 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 Thirty Island Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). <u>Please note that the owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 30 metres of the 1:100 year floodplain of Thirty Island 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</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> to the subject property as it lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system. <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>		
Final Comments:	Quinte Conservation has no objection to the application as presented.		



Sam Carney
 Planning and Regulations Technician

August 26, 2019

Date



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



PLANNING REPORT – VARIANCE APPLICATION

Report Date: September 9, 2019
Application No: MV-11-19-B
Owner: Tony & Michele Kimmett
Location of Property: Part Lots 23 & 24, Concession 10, being Parts 1-3 & 8 on Plan 13R20629, District of Bedford, Township of South Frontenac, municipally known as 966 Lee Road, Wolfe Lake.
Purpose of Application: To alter and enlarge a building or structure located within the 30 metre setback from the highwater mark and within 120 metres of the Provincially Significant Wetland for a building located 18.29 metres (60 feet) from the highwater mark/Provincially Significant Wetland. The height of the building will increase as will the overall footprint of the seasonal dwelling. The applicant is seeking relief from Section 5.8.2 a. from the 30 metre setback from the highwater mark of a Waterbody or Watercourse, Section 5.10.2. Existing Buildings within 30 Metres (98.4 feet) of a Waterbody or Watercourse, 8.3.3 Waterfront Residential Zone (RW) Regulations, and Section 8.5 Special RW – Waterfront Residential Zones (RW-35) and Section 32.3 within 30m EP zone
Date of Hearing: September 12, 2019

Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **approve** minor variance application MV-11-19-B subject to conditions.

Proposal

The application for minor variance was submitted for the property located at Part Lots 23 & 24, Concession 10, being Parts 1-3 & 8 on Plan 13R20629, District of Bedford, Township of South Frontenac, municipally known as 966 Lee Road, Wolfe Lake (see attached map). The request is to raise the existing cottage 24 ft by 32 ft consisting of 720 ft² in order of pouring footings and installing foundation walls and to construct a kitchen addition of 16 ft x 18 ft. with an area of 288 ft² to enlarge the existing structure. The applicant is proposing to demolish and replace the existing deck and increase the height of the deck from 3 feet to 4 feet.

The existing cottage is located within the 30 metre setback from the highwater mark and within 120 metres of the Provincially Significant Wetland. The existing building is located at 18.29 metres (60 feet) from the Provincially Significant Wetland. The height of the building will increase as will the overall footprint of the seasonal dwelling. The applicant is seeking relief from Section 5.8.2a, 30 m setback from the Highwater Mark of a Waterbody, Section 5.10.2, Existing Buildings within 30 m (98.4 feet) of a Waterbody or Watercourse, 8.3.3 Waterfront Residential Zone (RW) Regulations, and Section 8.5 Special RW – Waterfront Residential Zones (RW-35). In support of the minor variance application, a preliminary Environmental Impact Assessment (EIA) dated May 23, 2019 was prepared by Reg Genge as submitted.

The property owners received approval for minor variance MV-23-17-B on May 11, 2017 to permit construction within 30 metres of the setback from the water to raise the existing dwelling a maximum of six feet to permit the reconstruction of the foundation and the creation of a crawlspace underneath the cottage to locate services. No additional living space was permitted with the approval.

The property owners decided not to move ahead with exercising the approved variance (MV-23-17-B). Rather they have now decided to submit a new variance application to obtain permission to construct and addition as well as increase the height to reconstruct the foundation, to create a crawlspace underneath the cottage (MV-11-19-B) and replace the deck.

The subject property has a site specific zoning on it Rural Waterfront (RW-35) Special Provisions. This zoning establishes specific setbacks from the Provincially Significant Wetland within Wolfe Lake and on the northwest portion of the lot. The RW-35 zoning was established on the subject property in 2013, a condition of the creation of this lot.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



The following variances are required in order to facilitate the reconstruction of foundation crawl space and to permit addition are located within the required setback from the 30m highwater mark of Wolfe Lake:

1. Section 5.8.2 a, b, c.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.

Requested variance from this section:

- a. Seasonal Dwelling with Proposed Kitchen Addition: 60 feet for the kitchen addition (18.29 metres) from the high water mark of Wolfe Lake (variance request of 11.71 metres/38.41 feet)
- b. Seasonal Dwelling with Proposed New Deck: 55 feet for the replacement deck (21.34 metres) from the high water mark of Wolfe Lake (variance request of 8.66 metres/28.4 feet)

2. Section 5.10.2, Existing Buildings within 30 Metres (98.4 feet) of a Waterbody or Watercourse. Requested variance from this section:

Existing Seasonal Dwelling (erected prior to the date of the passing of the By-law) with Proposed Kitchen Addition and Deck Replacement to increase in height not to exceed 1.83 metres (6 feet) and encroachment into the 30 metre setback by 18.29 metres from the highwater mark.

3. Section 8.3.3 Waterfront Residential Zone (RW) Regulations. The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres (98.4 feet) for properties zoned RW.

Requested variance from this section:

- a. Seasonal Dwelling with Proposed Kitchen Addition: 60 feet for the kitchen addition (18.29 metres) from the high water mark of Wolfe Lake (variance request of 11.71 metres/38.41 feet)
- b. Seasonal Dwelling with Proposed New Deck: 55 feet for the replacement deck (21.34 metres) from the high water mark of Wolfe Lake (variance request of 8.66 metres/28.4 feet)

4. Section 8.5 Special RW – Waterfront Residential Zones (RW-35). The uses permitted in the RW-35 Zone are subject to a site plan agreement specifying the siting of all buildings and septic systems 30 metres from the inland wetland, 15 metres from the top-of-bank of the inland wetland and 120 metres from the provincially significant wetland within Wolfe Lake and at the northwest portion of the lot.

Requested variance from this section:

- a. 60 feet for the kitchen addition (18.29 metres) from the high water mark of Wolfe Lake (variance request of 11.71 metres/38.4 feet) and the Wolfe Lake PSW
- b. 55 feet for the replacement deck (16.7metres) from the high water mark of Wolfe Lake (variance request of 13.1 metres/ 43 feet) and from the Wolfe Lake PSW

5. Section 32.3 h – Environmental Protection Zone.

Requested variance from this section:

- a. 60 feet for the kitchen addition (18.29 metres) from the high water mark of Wolfe Lake (variance request of 11.71 metres/38.4 feet) and the Wolfe Lake PSW
- b. 55 feet for the replacement deck (16.7metres) from the high water mark of Wolfe Lake (variance request of 13.1 metres/ 43 feet) and from the Wolfe Lake PSW

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?



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Background

The subject property is approximately 24.28 ha (60 acres) in area with an approximate road frontage of 274 metres and with an approximate water frontage of 365 metres on Wolfe Lake. The average depth of the lake has been determined to be 35.6 metres. The records of the Rideau Valley Conservation Authority indicate that the presence of provincially significant and unevaluated wetlands and organic soils. Steep slopes are located on a portion of the site but not in the area where the proposed reconstruction and addition are located.

Based on a site visit of the property, it was determined that the cottage is located at the southern portion of the lot at a point within the 30 metres setback of the highwater mark of Wolfe Lake. The area is fairly level with a raised treed and vegetated embankment along the shoreline which acts as a buffer from shoreline erosion. The EIA indicates that four trees will be removed from the property to accommodate for the work including a maple close to the cottage and an aspen close behind the building which is identified as a dangerous and hazardous tree. The scope of work will include backfilling and grading around the foundation wall to bring the grade up to the natural grade evident on the north side of the building. The EIA concludes that the proposed footprint of the addition is already culturally impacted and there are no identified habitats for species at risk in the building envelope. There are no environmental constraints to completing this project. A full EIA was not required.

The owners applied for a minor variance MV-23-17-B in 2017 for the request to raise the existing cottage in order of pouring footings and installing foundation walls to a height not to exceed 1.83m (6 ft). A preliminary EIA prepared by Ontario Lake Assessments & Environmental Education Services, dated April 6, 2017, was submitted in support of the application at that time indicating that there are no long-term impacts expected as a result of the proposal. Appropriate construction measures were recommended in the report including the maintenance of the native shoreline buffer of trees adjacent to and in front of the cottage. The requirement for a full EIA was not required with the submission of MV-23-17-B.

Planning Analysis

Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. When assessing development on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The Rideau Valley Conservation Authority reviewed the application in light of Section 2.1 Natural Heritage policies and do not have any concerns with this development. In review of Section 2.2 Water the RVCA are of the opinion that standard best management practices can serve to ensure maintenance and possibly improvement to water quality. RVCA staff are recommending conditions be included in a development agreement addressing their requirements.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. RVCA staff have noted that organic soils have been identified as a natural hazard within the meaning of Section 3.0 of the PPS. During their site visit, the proposed location of development was observed to be sandy and rocky, with no immediate evidence of organic soils. RVCA staff recommend that a soils bearing capacity report be included as a condition. This report will be forwarded to RVCA staff for review prior to the issuance of a building permit. With this condition, RVCA staff are satisfied that Section 3.0 of the PPS is addressed.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Current Official Plan Designation: Rural and Environmental Protection

The property is designated as Rural and Environmental Protection in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Rural designation speak to the importance of maintaining rural character, natural heritage and cultural landscape in the Township. Section 5.7.4 Rural Residential includes seasonal residential dwellings as permitted uses. Lots to be developed are to be serviced with private water and sanitary disposal. The Environmental Protection designation applies to lands which play an important role in the preservation of the Township's natural heritage systems including wetlands, watercourses and lakes and significant portions of habitat of threatened or endangered species. KFL&A Public Health have issued a permit BE-5-19 for the sewage system.

Current Zoning: Special Waterfront Residential (RW-35) Zone and Environmental Protection (EP) Zone

The property is zoned Special Waterfront Residential (RW-35) Zone and Environmental Protection (EP) Zone in the Township of South Frontenac Zoning Bylaw. The intent of the RW-35 Zone is to permit development with uses restricted to residential and ancillary along the waterfront. All buildings and septic systems are required to be 30 metres (98.4 feet) from the inland wetland, 15 metres (49.2 feet) from the top-of-bank of the inland wetland and 120 metres from the Provincially Significant Wetland within Wolfe Lake and at the northwest portion of the lot.

The construction of all dwellings and structures are required to be 30 metres from the highwater mark; this is stated in the zone regulations as well as the general provisions of the Township of South Frontenac Comprehensive Zoning By-Law. The applicant is proposing to request is to raise the existing cottage with proposed kitchen addition and deck replacement to increase in height not to exceed 1.83 metres (6 feet) and encroachment into the 30 metre setback by 18.29 metres from the highwater mark.

Within the EP Zone no person shall use any land, erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in the EP Zone. No construction is proposed or permitted in the EP Zone.

A site visit was conducted on July 26, 2019, to observe site characteristics and determine desirability of the proposed construction.

Agency Analysis and Comments

KFL&A Public Health – Comments dated September 3, 2019 indicate that KFL&A Public Health has no objections to the minor variance as the owner has submitted an application under permit number BE-5-19.

Rideau Valley Conservation Authority – Comments dated July 11, 2019 from the RVCA indicated that they have no objection to the subject application and it is the opinion of staff that the requested variance is minor based on their review. A number of conditions have been requested to be included in the Development Agreement.

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

Conclusion

The proposed application to permit the raising of the cottage a maximum of 1.83 metres (6 feet) to pour a foundation, to add a kitchen addition of 288ft² and to replace the existing deck and increase the height from 3 feet to 4 feet at Part Lots 23 & 24, Concession 10, being Parts 1-3 & 8 on Plan 13R20629, District of Bedford, Township of South Frontenac, municipally known as 966 Lee Road, Wolfe Lake meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan as the proposed construction is consistent with the 2014 Provincial Policy Statement including Section 2.1 Natural Heritage which then meets the intent of the Official Plan. The Rideau Valley Conservation Authority (RVCA) have reviewed the EIA and agree with the study as along as



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



mitigation measures are followed and that a soils bearing report is submitted to address Section 3.0 of the PPS.

- The variance conforms to the general intent and purpose of the Zoning Bylaw as the existing cottage will be improved with the addition of footings and a foundation, kitchen addition and decking that will be replaced and elevated an additional foot.
- The variance is desirable for the appropriate development of the lands in question as the scope of the proposed work will be an improvement to the existing cottage. The Conservation Authority has confirmed that it is not feasible to achieve a 30 metres setback for existing buildings on the subject site. Planning staff concur with the comments of the Conservation Authority as the redevelopment will require a new up to date septic system that meets the current regulations. The new system will replace an older system.
- The variance is minor as the proposed construction as the addition is considered to be minor and only adds a proposed kitchen to make better utility of the modest seasonal dwelling on the subject property. The increase in height provides the opportunity to strengthen the existing structure. The proposed addition has no negative impact on the Wolfe Lake PSW. A new septic system will replace the existing system which is setback outside of the 30m setback from the high water mark. No variance is required to inland wetlands.

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 approval is for permission to raise the existing 720 ft² cottage at a setback of 60 feet from the highwater mark and PSW of Wolfe Lake. to install footings and foundation walls with a height not to exceed 1.83m (6ft) and to construct a kitchen addition of 16 ft x 18 ft. with a maximum area of 288 ft² at the same height as the raised 720ft² cottage. A variance is also granted to allow for the construction of a new deck with a maximum area of 256 ft² setback 55ft from the highwater mark and PSW of Wolfe Lake. The proposed structures are to be built as per the plans submitted with Minor Variance application (MV-11-19-B). All other setbacks of the RW-35 Zone shall be complied with.
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 following matters outlined in the July 11, 2019 letter from the Rideau Valley Conservation Authority (RVCA) and the recommendation of the May 23, 2019 EIA and Township environmental standards:
 - Surface and roof water runoff management shall be implemented by directing runoff from eaves trough placement and outlets to natural or constructed leaching pits/areas allow for *maximum infiltration* of rood runoff as much as possible away from the services, lake and wetland area.
 - Appropriate construction soil stability measures must be implemented to prevent the disruption of the native soil mantle and offsite loss of fill material by way of erosion into the lake during construction. Excavation materials removed from the foundation area that are surplus to the backfill requirements must be removed from the area to the borrow pit area near to the Lee Road entrance. No filling of the nearshore area or any other low lying areas using the excavated material is permitted.
 - The native shoreline buffer of trees adjacent and in front of the cottage are required to be protected from damage by heavy equipment during the construction period. The trees are required to be flagged and a protective measure put in place so equipment operators avoid damaging the trees.
 - Backfill is to be strictly limited to volumes which will accommodate foundation drainage only.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- A lot grading and drainage plan shall be provided to demonstrate no/minimal grade alterations and that runoff will be accommodated on site. No grade changes will be supported within 10 metres of the water or closer to the wetland boundaries associated with the outlet to the south.
 - A soils bearing capacity report shall be forwarded to the RVCA when completed demonstrating that 75kPa has been met or exceeded on-site.
 - Sediment controls shall be shown on the lot grading and drainage plan (sediment fencing and/or mulch/straw bales shall be set in place around the construction site, upland of the lake and wetland area) prior to commencement of work and will remain in place until the site is stable and revegetated.
 - The owners shall maintain and enhance the existing waterfront vegetative buffer. The owners shall demonstrate plantings to a minimum of at least ten metres from the water/wetland areas on the waterfront as a protection from drift of nutrient and sediment to the lake and to guard against nearshore aquatic weed growth over the long term.
 - All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater of Wolfe Lake at a proper disposal site.
 - Should any work be undertaken along the shoreline of Wolfe Lake, permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 (Development Interference with Wetlands and Alteration to Shorelines and Watercourses)
3. The decision on MV-11-19-B hereby replaces the previous approval of minor variance MV-23-17-B by the South Frontenac Committee of Adjustment and renders MV-23-17-B to no longer be in effect.
 4. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
 5. Minor variance MV-11-19-B 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: Site Visit July 26, 2019

Attachments: Map of Kimmitt property.

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



Date Received: _____
APR 25 2019

File No: MV-11-19-B

1. Name of Owner(s): TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT Michele Kimmett

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: 23/24

Street Number: 966 Name of Road/Street: Lee Rd

Reference Plan Number: 13R 20629 Part Number(s): PT 1-3-8

Roll Number: 1029010010192100000

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): 1200' Frontage (on road/lane): 900'

Depth: 1 K Area: 60 acres

5. The current zoning of the subject land:

seasonal cottage

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

Remove cinder block raise cottage

Pour ICF walls for basement add 16'x18' for kitchen

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

existing cottage less than 30m from
high water

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

Name of Road/Lane:

Lee Rd

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.

X

10. What are the existing uses of the subject land?

seasonal cottage

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

Yes No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	cottage	Storage Bld	Deck	
Setback from Front Lot Line	70'	90'	70'	
Setback from Rear Lot Line	1K	1K	1K	
Setback from Side Lot Line	355'	365'	355'	
Height of Building (Also indicate if it is one story or two story)	one storey 18'	shed 8'	3'	
Dimensions of Floor Area	720 ²	80 ²	256'	
Setback from High Water Mark (If applicable)	60'	60'	70	

13. The proposed uses of the subject land:

seasonal cottage

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

Yes No

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

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

Type of Structure (E.g. residence)	(1) Kitchen addition	(2) Replace Deck.	(3)	(4)
Setback from Front Lot Line	100' 60'	70		
Setback from Rear Lot Line	1K	1K		
Setback from Side Lot Line	355'	355		
Height of Building (Also indicate if it is one story or two story)	16' one story	4'		
Outside Dimensions of Building/Structure	16' x 18'	256'		
Setback from High Water Mark (If applicable)	60'	70		

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:

Remove inside north wall
for access to addition

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: lift cottage install & pour
ICF walls

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:

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

25+ years

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

25+ years

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

Private

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

Private

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

~~sewers~~ natural

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

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

Yes No

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

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

Yes No M

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

MV-23-17B

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

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

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

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

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac representing payment of the application fee.

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

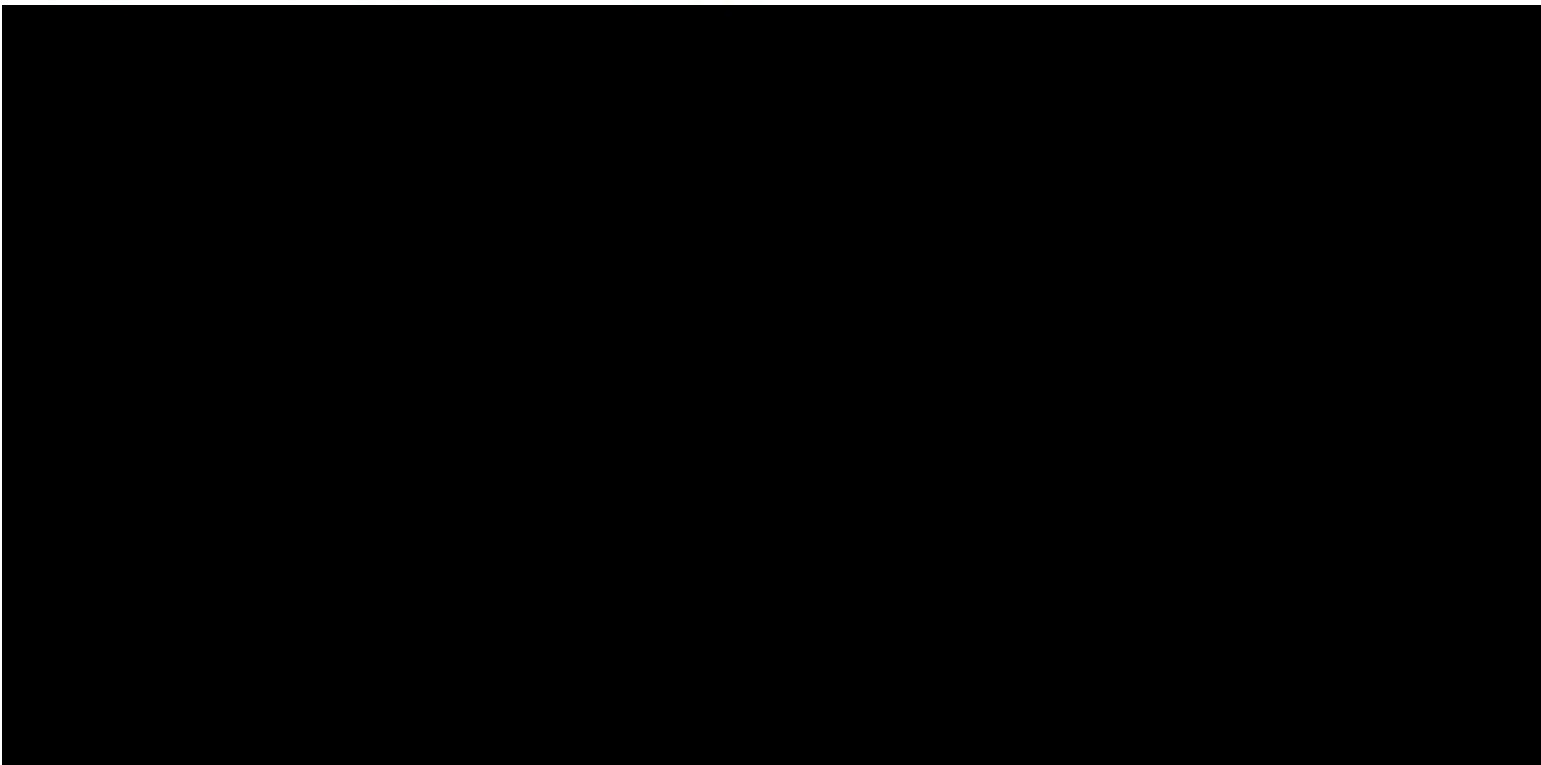
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal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

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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC



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

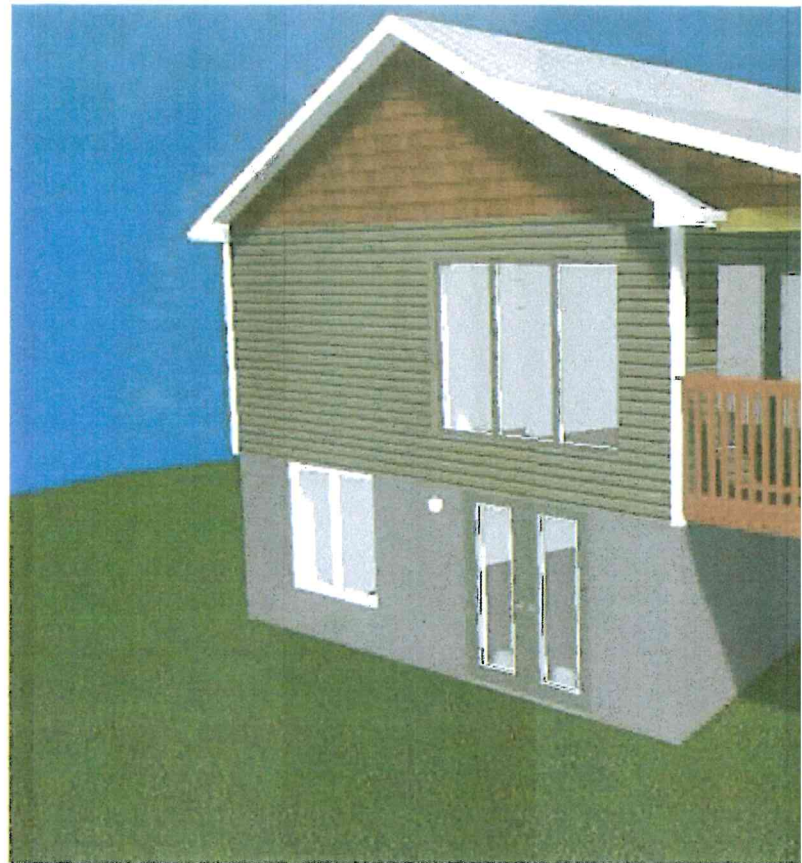
A Guide to Completing the Minor Variance Form

- 1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
- 2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.
- 3) Description of the Subject Land:
 - a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
 - b. Concession and Lot Numbers: if you are not sure, check your tax bill
 - c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
 - d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
 - e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
 - f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.
- 4) Frontage, depth, area, acres: All parts of this question must be completed.
- 5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.
- 6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.
- 7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.
- 8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

3D

* PERSPECTIVE VIEW FOR ILLUSTRATION

RECEIVED
APR 18 2019
TOWNSHIP OF SOUTH
FRONTENAC
BUILDING DEPARTMENT



KIMMETT COTTAGE



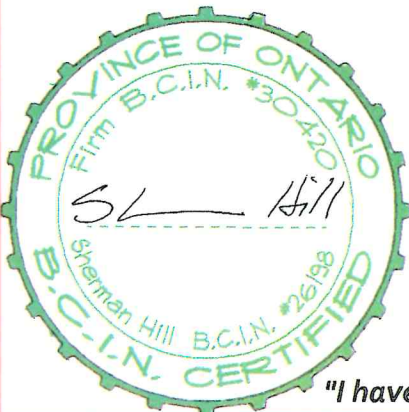
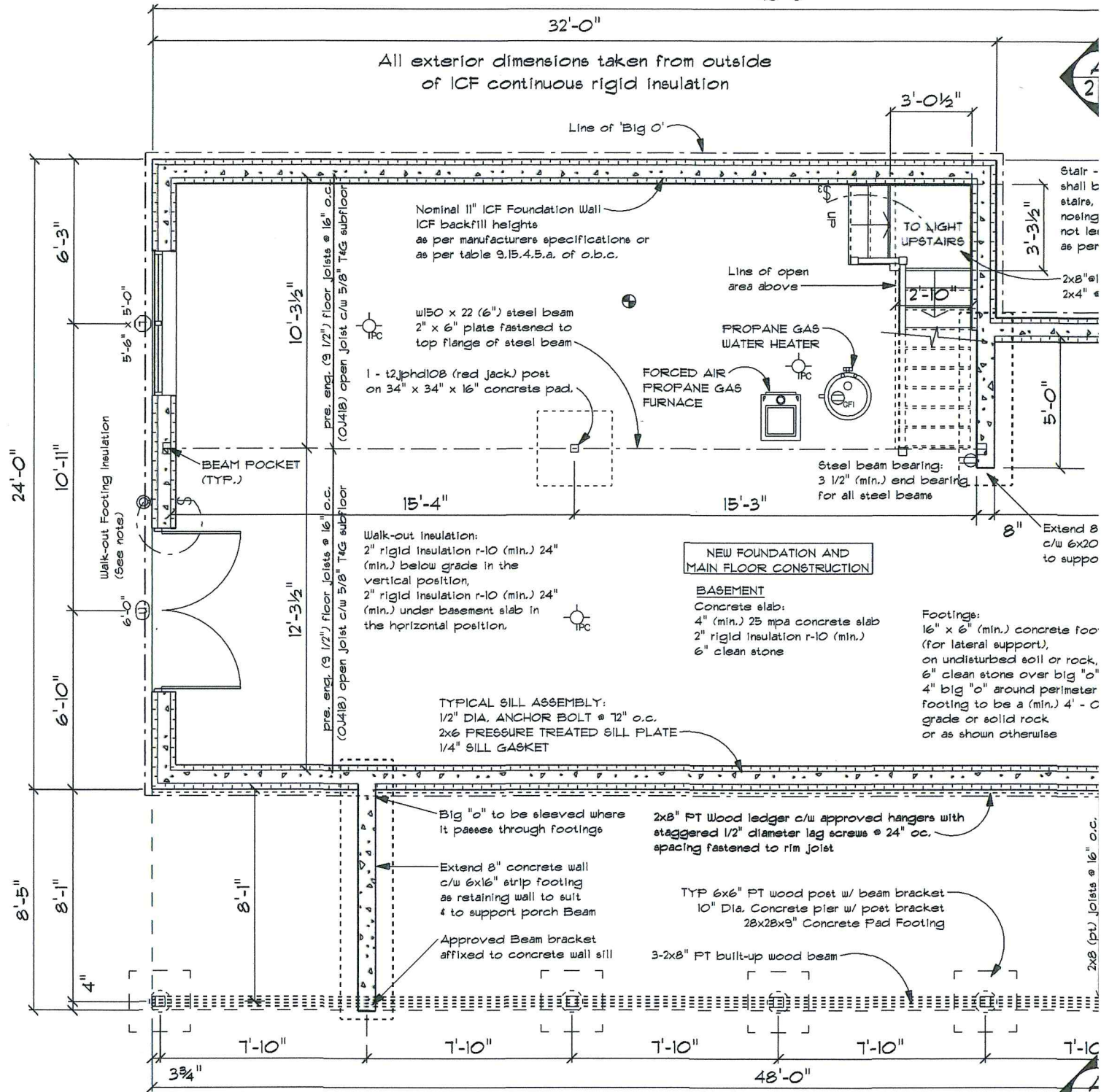
For: Michele
966 Lee
South Fr

April 5

48'-0"

32'-0"

All exterior dimensions taken from outside of ICF continuous rigid insulation



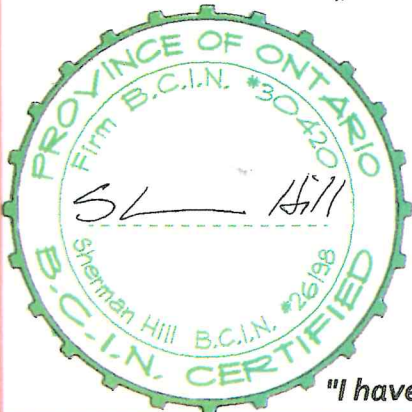
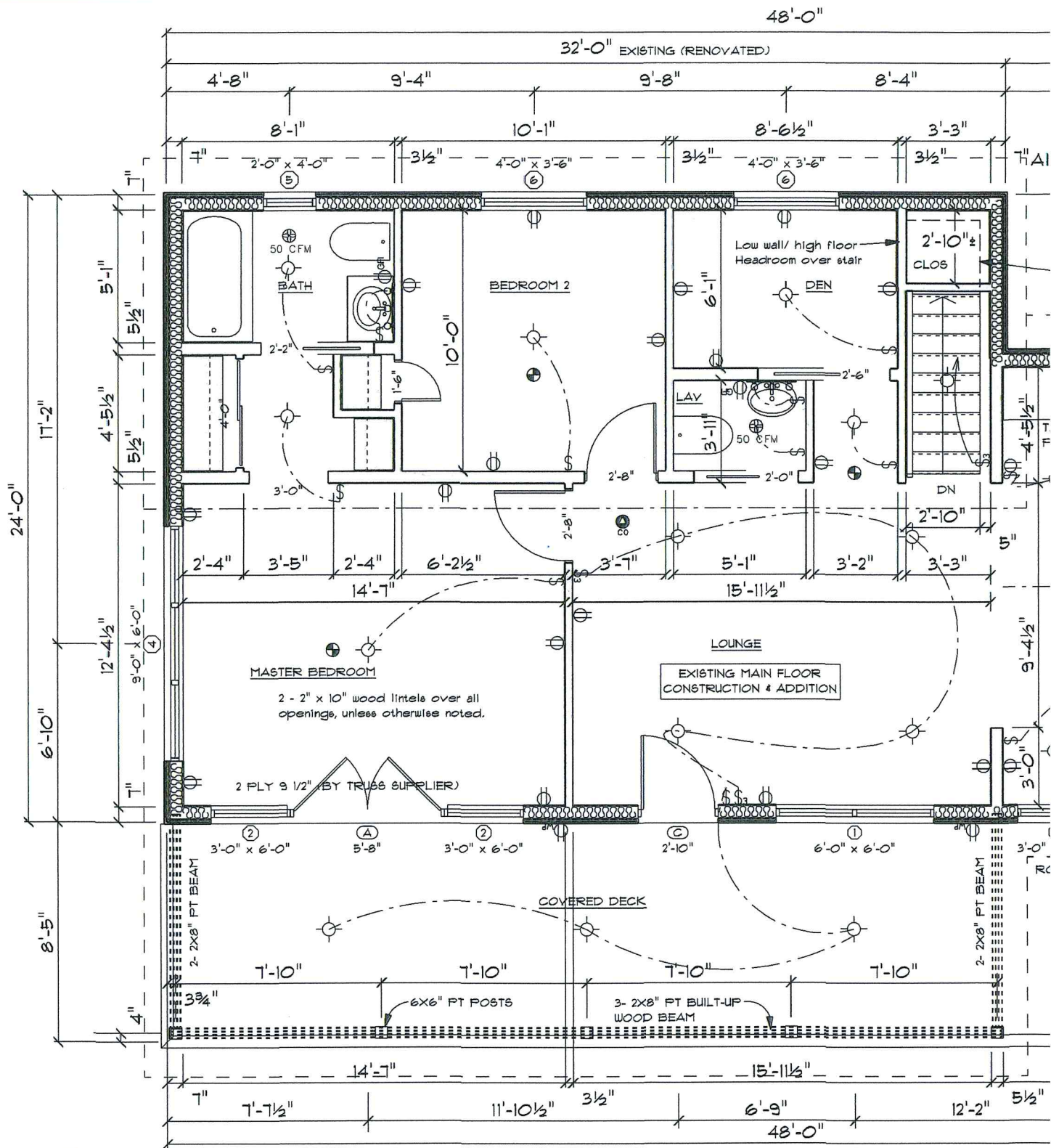
General Notes:

These plans were designed in accordance with the requirements of the Ontario Building Code. All dimensions are to be checked on site, prior to construction. All dimensions are structural. Drawings must not be scaled. Contractor shall verify and be responsible for all dimensions and minimum code requirements and shall report any discrepancy to the Designer before proceeding with any work. Plans are copyrighted - unlawful for use without company's express and written permission.

"These plans form the basis for permit issuance and deviation from these plans and details; including the ventilation system, heating system, woodstoves, fire decks, balconies and finished basements, will require a revised drawing and clearance by the build inspection department".

The mechanical and electrical layout is only schematic items in plan cannot be placed exactly as shown, inf Designer prior to installation. All mechanical, electrical and plumbing shall conform O.B.C. and all applicable codes.

"I have reviewed and take responsibility for the design activity related to this plan"



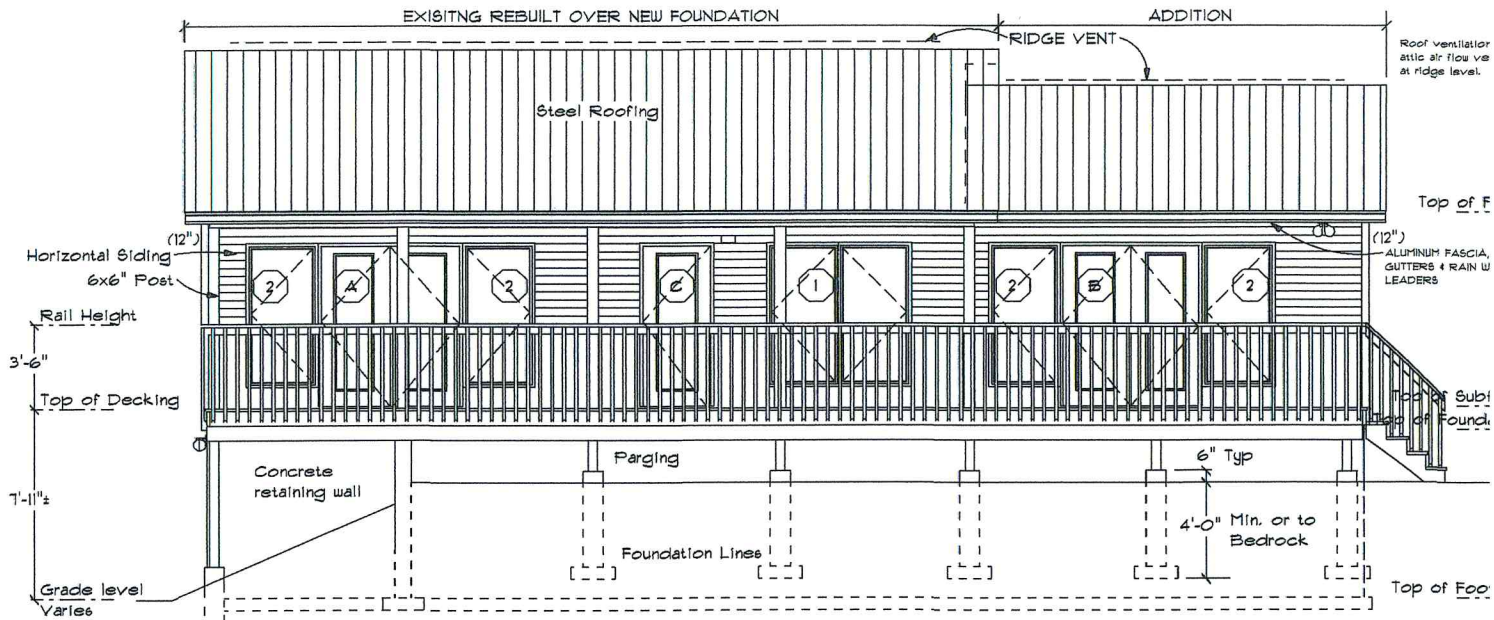
General Notes:

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"I have reviewed and take responsibility for the design activity related to this plan"

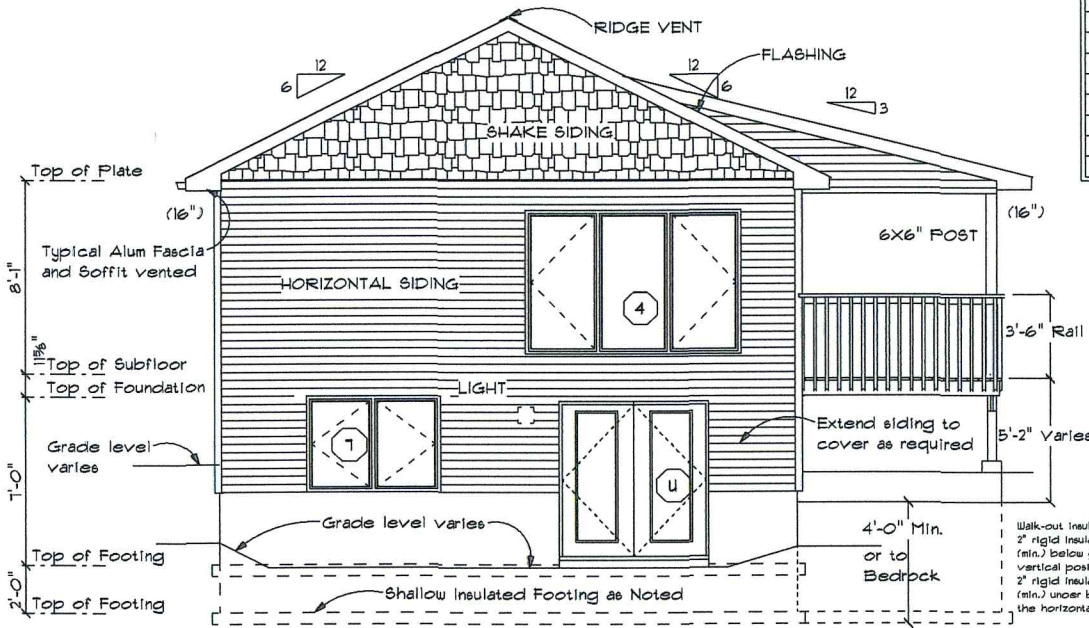


FRONT

SCALE: 1/8" = 1'-0"

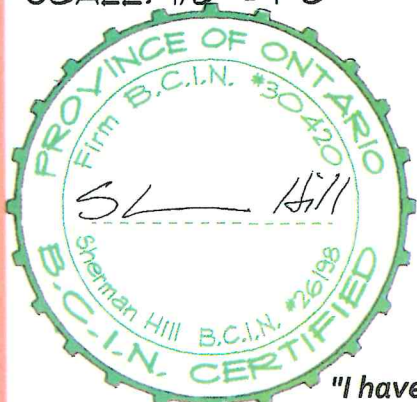
WINDOW SCHEDULE					
OPENING ID	WIDTH	HEIGHT	LIBRARY NAME	COUNT	OPENING AREA
1	6'-0"	6'-0"	Window\Casement	1	36.0 sq. ft.
2	3'-0"	6'-0"	Window\Casement	4	18.0 sq. ft.
3	5'-0"	3'-6"	Window\Slider	1	17.5 sq. ft.
4	9'-0"	6'-0"	Window\Casement	1	54.0 sq. ft.
5	2'-0"	4'-0"	Window\Casement	1	8.0 sq. ft.
6	4'-0"	3'-6"	Window\Slider	2	14.0 sq. ft.
7	5'-6"	5'-0"	Window\Casement	1	27.5 sq. ft.
8	3'-0"	6'-0"	Window\Casement	1	18.0 sq. ft.
9	2'-6"	3'-6"	Window\Casement	1	8.8 sq. ft.
A	5'-8"	6'-8"	Exterior Door\French	1	40.2 sq. ft.
R	5'-8"	6'-8"	Exterior Door\French	1	40.2 sq. ft.
C	2'-10"	6'-8"	Exterior Door\French	1	20.9 sq. ft.
U	6'-0"	6'-8"	Exterior Door\French	1	41.4 sq. ft.

Windows all windows to conform to the requirements of american/csa 101.1 s.2/p440-08 "nfs - north american fenestration standard/specification for windows, doors, & skylights", as per 9.1.4.1. of o.b.c. Windows located within (6" - 6 3/4") of adjacent ground level, shall conform to clause 9.3.5 of the above standard, as per 9.1.5.3. of o.b.c.



LEFT

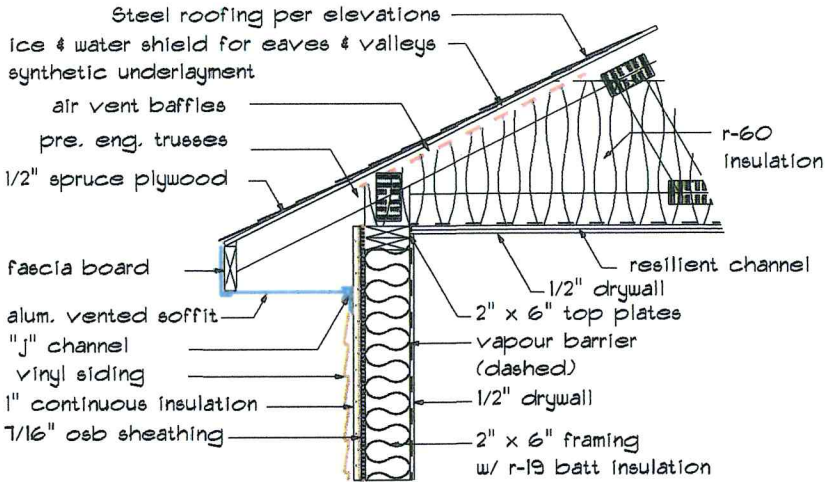
SCALE: 1/8" = 1'-0"



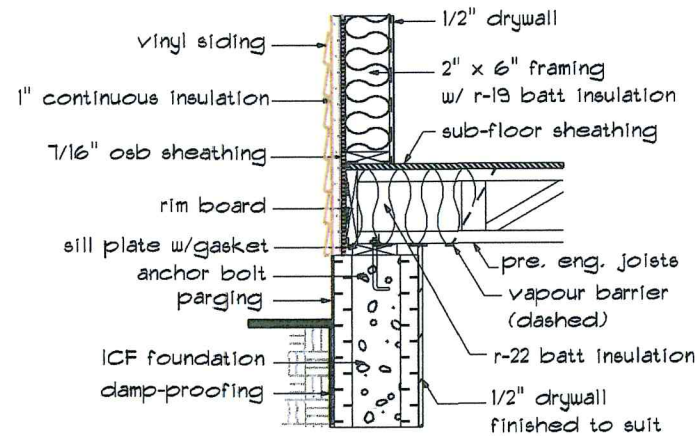
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"I have reviewed and take responsibility for the design activity related to this plan" Page 51 of 101



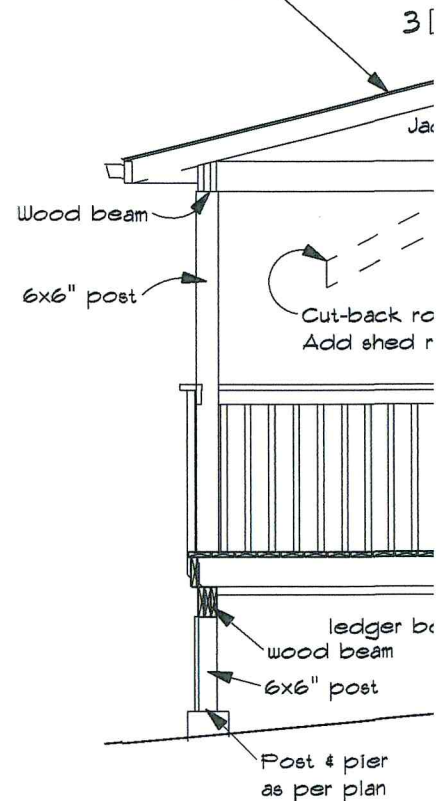
Standard Eaves Detail



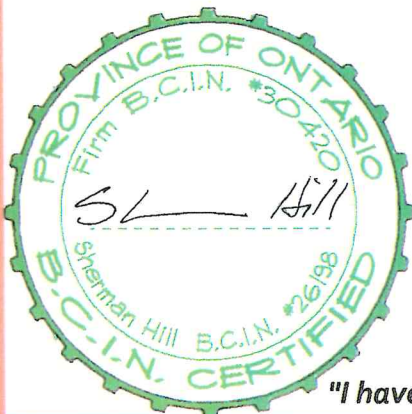
Foundation Top - Siding

Metal roofing
synthetic underlayment
1/2" spruce plywood with "h" clips
pre. eng. roof trusses @ 24" o.c.
attic air flow vent 1/300 - 50% (n
r-62 (min.) insulation
6 mil poly air/vapour barrier
resilient channel @ 16" o.c.
1/2" drywall

Replace Hand Framed shed roof:
Finished as per typical roof...
c/w 2x6" @24"oc. inline over truss
c/w 2x4" jack stud over wall for
intermediate support
2x4" @24"oc. ceiling joist
c/w soffit to match



4" DIA. WEeping TILE
6" CRUSHED STONE (C
CONNECTED TO DRY I



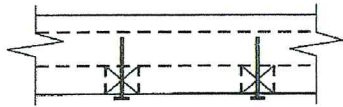
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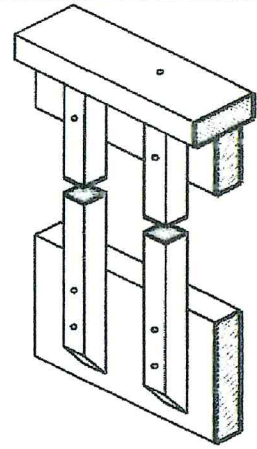
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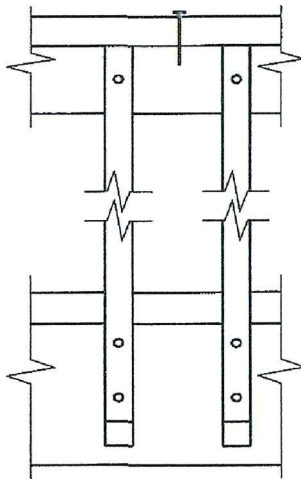
"I have reviewed and take responsibility for the design activity related to this plan"



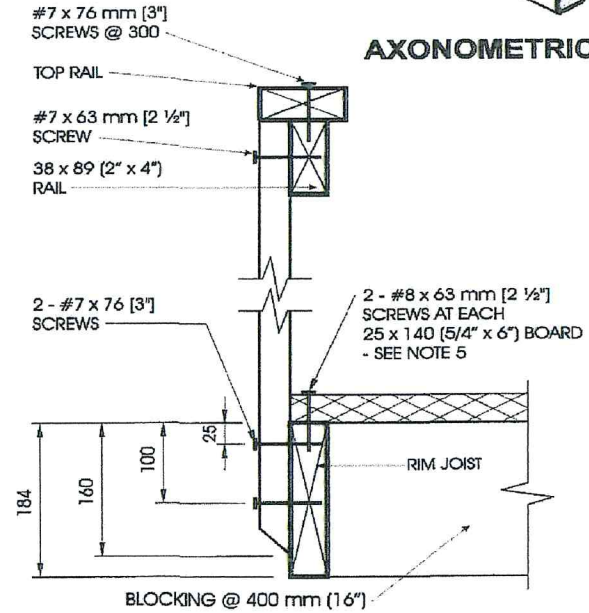
PLAN



AXONOMETRIC



FRONT ELEVATION



SIDE ELEVATION

Detail ED-2

Exterior Connection: Cantilevered Picket Screwed to Rim Joist, Guard Parallel to Floor Joists

Notes:

1. Provide a suitable post, return, or solid support at each end of the guard.
2. Wood for cantilevered pickets shall be Douglas Fir-Larch, Spruce-Pine-Fir, or Hem-Fir Species.
3. Fasten rim joist to blocking with 3 - 82 mm (3 1/4") nails.
4. Dimensions shown are in mm unless otherwise specified.
5. Where 38 mm (2" nominal) thick boards are used, the length of the wood screws shall be not less than 76 mm (3").

SB-7 Page 24

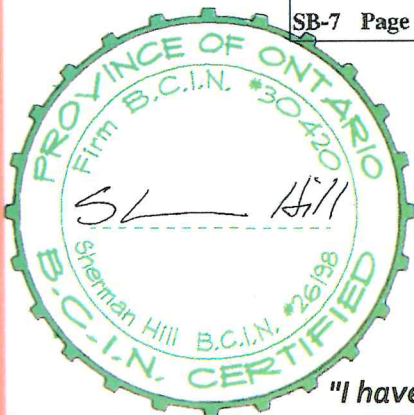
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"I have reviewed and take responsibility for the design activity related to this plan" Page 53 of 101





May 23, 2019

Trudy Gravel, Planner
Township of South Frontenac
4432 George Street, P.O. Box 100
Sydenham, ON,
K0H 2T0

REGARDS: Preliminary EIA, Tony Kimmett MV Application MV-11-19-B; 966 Lee Road, Bedford District, South Frontenac Township, Wolfe Lake / PSW – Proposed Addition to a Cottage and to Raise the Cottage to Install a Foundation to Create Storage Space

Dear Trudy Gravel:

A Preliminary EIA was conducted for the above site and reported in a letter dated April 6, 2017 and addressed to J. Kapusta, Planning Assistant SFT. The proposal at that time was to raise the existing cottage to create storage space and accommodate utilities. The discussion in that letter under the heading Natural Heritage Concerns remains relevant for this application.

The 2019 Proposal:

The 2019 proposal is to raise (elevate) the existing cottage (24' x 32') in order to pour footings and install foundation walls to a height not to exceed 1.83m (6 ft). The proposal also includes a 16' x 18' addition on the north end that will also include the footings and foundation. The renovation will both level and stabilize the building while creating living space and needed storage space; the number of bedrooms will remain the same; the building at present sits on cement blocks.

The cottage has a deck across the front (on the east side facing Wolfe Lake (see photographs 1, 2 and 3 below). The foundation will not encompass the area under the deck. The deck may be replaced with a new deck. Included in the proposal is backfilling and grading around the foundation wall to bring the grade up to the natural grade evident on the north end of the building.

An existing small out building is situated on the northwest side of the cottage.

As part of the proposal, there are four trees to be removed (marked on the photographs with a red star), one is a maple very close to the gable end on the south side of the cottage and the other is an aspen close behind the building that is being removed as a dangerous and hazardous tree to injury and property damage. Two large trees will also be removed near to the north side where the proposed addition will occur.

Natural Heritage Concerns: (See discussion in letter dated April 6, 2017)

Potential for Impacts and Remedial Measures:

There are no long-term environmental impacts expected as a result of this proposal. There is however the potential for disruption of the native soil mantle and for offsite loss of fill material by way of erosion into the lake during the construction due to the close proximity to the lake and wetland. Appropriate construction soil stability measures must be implemented to prevent this from occurring during construction and afterwards. Excavation materials

... 2

removed from the foundation area that are surplus to the backfill requirements must be removed from the area to the borrow pit area near to the Lee Road entrance. There cannot be any filling of the nearshore area or any other low lying area using the excavated material.

Also the native shoreline buffer of trees adjacent too and in front of the cottage need to be protected from damage by heavy equipment during the construction period. The trees should be flagged and a protective measure put in place so equipment operators avoid damaging these trees.

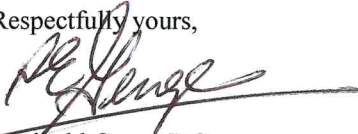
While not a condition of this Preliminary EIA, serious consideration should be given to relocating the dock to the east shoreline in front of the cottage at the site of the present east access location and then replanting the shoreline at the south water access point. It is important wetland habitat and should be left as natural as possible.

While this addition will be a further intrusion into the 120 metre zone of influence distance from the PSW and further intrusion into the 30m buffer next to Wolfe Lake, the proposed footprint of the addition is already culturally impacted and there are no identified habitats for species at risk in the building envelope. The proposal does not include the need for filling, excavating, draining or changing the wetland in any manner and therefore the wetland feature and functions will not be compromised.

There are no environmental constraints to completing this project. In my opinion, there will not be a need to undertake a full EIA with respect to this proposal.

If you have any questions in the above regard, please contact me.

Respectfully yours,



Reginald Genge B.Sc.
Ontario Lake Assessments
3654 Stage Coach Road
RR #3
HARROWSMITH, Ontario
K0H 1V0
rgenge@xplornet.ca
613-376-3863

Copy to:

Tony Kimmett
RR #4
Napanee, ON
K7R 3K9

(Two pages of photographs #1 through #3 attached)



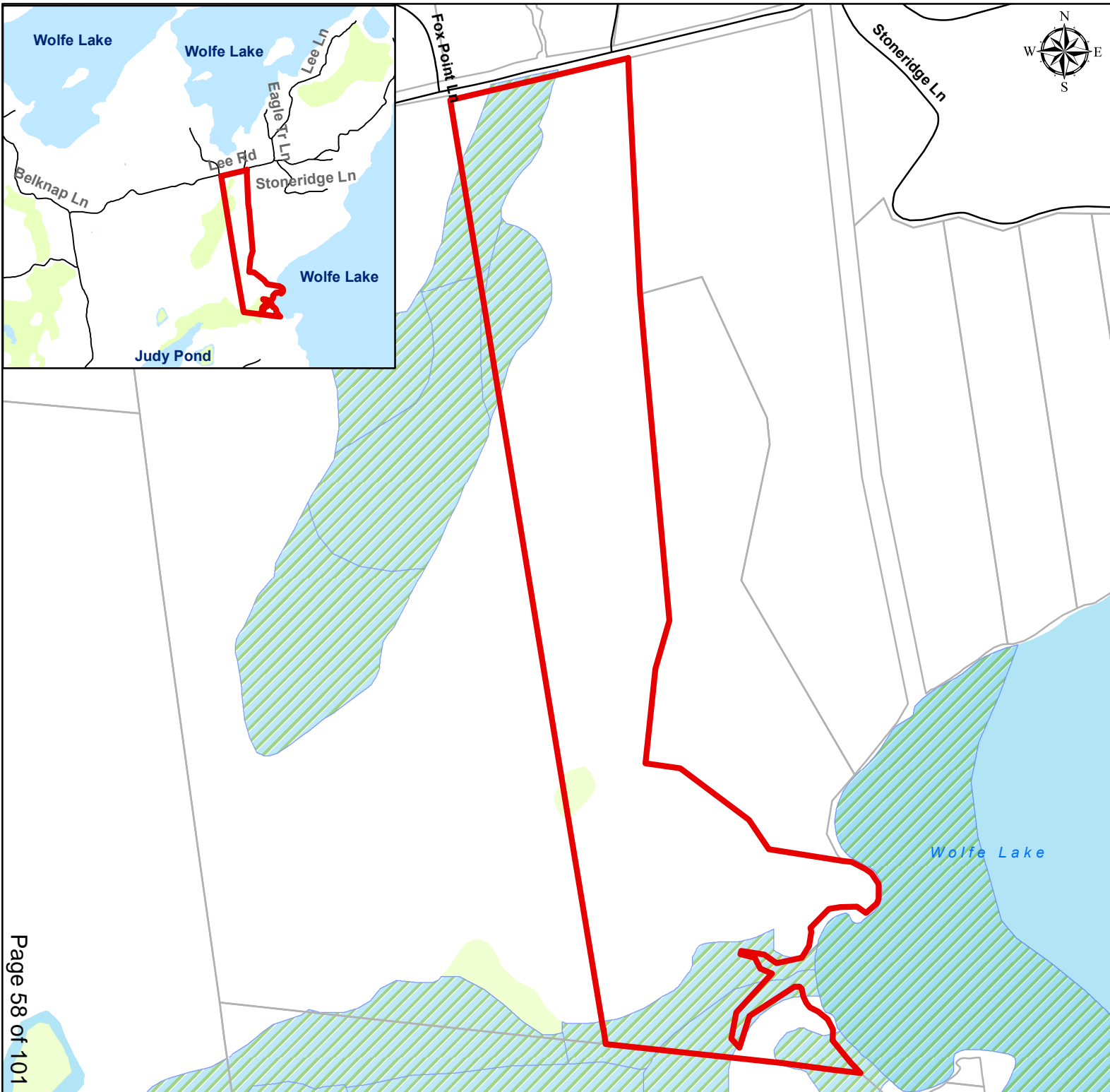
Photograph 1 – View of North end of Cottage – Shows Natural Grade and Deck- four trees to be removed



Photograph 2 – View of North end of Cottage where addition is proposed – Shows Natural Grade and trees to be removed






Photograph 3-Deck on east side of cottage - Maple tree at South Gable to be removed -



**KIMMETT
MV-11-19-B**

966 LEE RD

Legend

-  Kimmett Property
-  Provincially Significant Wetlands
-  Waterbody

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Scale 1:5,500

0 15 30 60 90 120



Meters

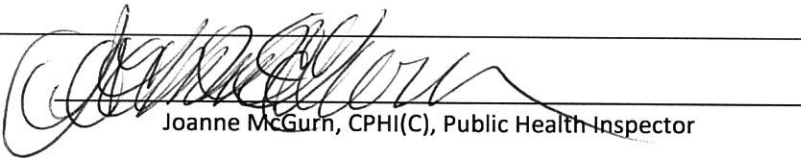
UTM Projection NAD 83



KFL&A
Public Health

REQUESTS FOR COMMENTS

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

To:	Ms. Michelle Hannah Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON K0H 2T0
Application Number:	MV-11-19B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Kimmett, Tony & Michele
Location:	Lot 23/24, Concession 10, Bedford 966 Lee Road
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the minor variance as the owner has submitted an application under permit number BE-5-19.
Inspector:	 Joanne McGurn, CPHI(C), Public Health Inspector
Date:	September 03, 2019

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

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



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

July 11, 2019
19-SFR-MVA-0020 (BEDFORD)

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

Attention: Michelle Hannah

Subject: **KIMMETT, Tony & Michele**; Application **MV-11-19-B** – 966 Lee Road, Part Lot 23, Concession 10; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029010101921000000

Dear Ms. Hannah,

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

- Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses” regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Rideau Lakes – Wolfe Lake Catchment Report;
- The Mississippi-Rideau Source Protection Plan;
- The Rideau Lakes Study

The Proposal

The RVCA understands this proposal to be an application for a minor variance to seek relief from Sections 5.10.2 (existing buildings within 30 metres of a waterbody), 8.3.3 (Waterfront Residential Zone Regulations) and 8.5 (Special RW – Waterfront Residential Zones) of the Township’s Zoning By-law in order to permit reconstruction/raising of an existing cottage with a 27.5 m² kitchen addition.

**Proudly working in partnership
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

Importantly, no structures are proposed to be reconstructed closer to the water than currently exists.

The Property

The subject property is indicated as being approximately 24.28 hectares in area with road frontage of 274 metres and with a water frontage of 365 metres on Wolfe Lake. It has an average depth of 35.6 metres.

A review of our records indicated the presence of provincially significant and unevaluated wetlands and organic soils. Steep slopes were observed on a portion of the site, but not in the vicinity of the proposed reconstruction and addition.

Review Comments

Provincial Policy Statement

Our office does not have any concerns in respect of Section 2.1, natural heritage, associated with this development. Our office reviewed the submitted EIA in support of this application and observed that its author concluded there were no negative impacts to the adjacent wetland so long as certain mitigation was followed. Staff ecologists at RVCA agree with this impact. We do have recommendations based on this EIA.

Regarding Section 2.2, water, our office is of the opinion that standard best management practices can serve to ensure maintenance and possibly improvement to water quality. Recommendations regarding how to make this possible are included below. In summary, so long as the recommendations are included as conditions, our office is satisfied that section 2.2 of the PPS is respected by this development.

Based on our desktop review, organic soils have been identified within the vicinity of the proposed addition and related works. Organic soils are identified as a natural hazard within the meaning of Section 3.0 of the PPS. During the site visit, the proposed location of development was observed to be sandy and rocky, with no immediate evidence of organic soils. Our office would recommend that a soils bearing capacity report, to the satisfaction of the CBO, be included as a condition. With this condition, our office is satisfied that Section 3.0 of the PPS is addressed.

Ontario Regulation 174/06

The applicants should be aware that the majority of the subject property is regulated, either as a provincially significant wetland, adjacent lands or watercourse under Ontario Regulation 174/06. As such, and in the context of the proposed construction, prior written permission from our office is required in accordance with our regulation (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act. Also, the current proposed addition requires a regulatory permit from our office before construction can commence.

Rideau Lakes – Wolfe Lake Catchment Report

The water quality report for Wolfe Lake is “fair” according to the Catchment Report. Nutrient concentrations are generally low-moderate according to the Provincial Water Quality Objectives (PWQO) with few exceedances. Efforts such as the diversion of runoff and enhanced shoreline buffers are important to continue to protect and enhance water quality and reduce future nutrient increases. This is particularly important for roadways and dwellings that border the lake. Residents can help minimize their impact on the lake by reducing nutrient inputs through practices such as proper septic maintenance, keeping shorelines natural and using phosphate free soaps and detergents. Wolfe Lake is characterized by warm water fish species.

Opportunities for action within Wolfe Lake are indicated as being:

- Reduce pollutant loadings to Wolfe Lake through application of shoreline and stormwater best management practices, including consideration of low impact development methods.
- Proper septic system maintenance,
- Maximizing setbacks from the normal highwater mark as indicated in the Rideau Lakes Study.

Source Water Protection

The subject property is identified as overlying a highly vulnerable aquifer. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Discussion and Recommendations

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

- Surface and roof water runoff management shall be implemented by directing runoff from eaves trough placement and outlets to natural or constructed leaching pits/areas allow for *maximum infiltration* of roof runoff as much as possible away from the services, lake and wetland area.
- Remedial measures as summarized on page 2 of the EIA are enacted. In particular, backfill is to be strictly limited to volumes which will accommodate foundation drainage only. A lot grading and drainage plan shall be provided to demonstrate no/minimal grade alterations and that runoff will be accommodated on site. No grade changes will be supported within 10 metres of the water or closer to the wetland boundaries associated with the outlet to the south. We agree that the removal of spoils/excess fill to the borrow pit at the extreme rear of the lot and at least 30 metres from the wetland area.
- Sediment controls shall be shown on the lot grading and drainage plan (sediment fencing and/or mulch/straw bales shall be set in place around the construction site, upland of the lake and wetland area prior to commencement of work and will remain in place until site is stable and revegetated.

- Maintenance and addition to the waterfront vegetative buffer as may be possible (we have forwarded our Rural Clean Water Program and Shoreline Naturalization brochures to the owner for additional site plantings). We encourage the owners to augment plantings to a minimum of at least ten metres from the water/wetland areas on the water front as a protection from drift of nutrient and sediment to the lake and to guard against nearshore aquatic weed growth over the long term.
- RVCA agrees that the second water access would best be retired, to be shown on the plan. This will help to restrict indiscriminate pedestrian traffic along the water and reduce the likelihood of further deterioration of the shore, result in less compaction on the waterfront and over the long term, less nutrient and sediment drift to the lake/wetland.
- That a soils bearing capacity report shall be forwarded to the RVCA, when available, demonstrating that 75 kPa has been met or exceeded on-site.
- The following statement should be included in any agreement, should one be required as a result of this development:

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

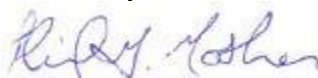
Conclusions

In conclusion, The Rideau Valley Conservation Authority has no objection to the subject application and it is the opinion of the reviewing planner that the requested variance is minor. The RVCA would like its comments and recommendations noted on any decision from the Committee.

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

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

Yours truly,





Phil Mosher
Planner

Cc – Mr. Kimmett, owner
Cc – Joanne McGurn, KFLPHA



**KIMMETT
MV-23-17-B**

Legend

-  Kimmett Existing Building
-  Kimmett property

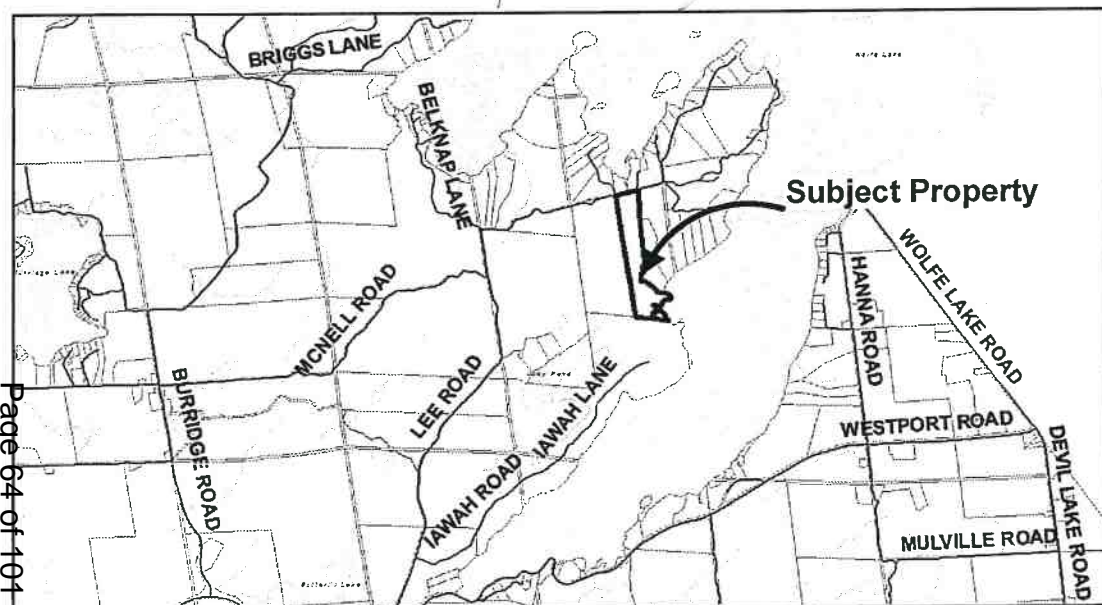
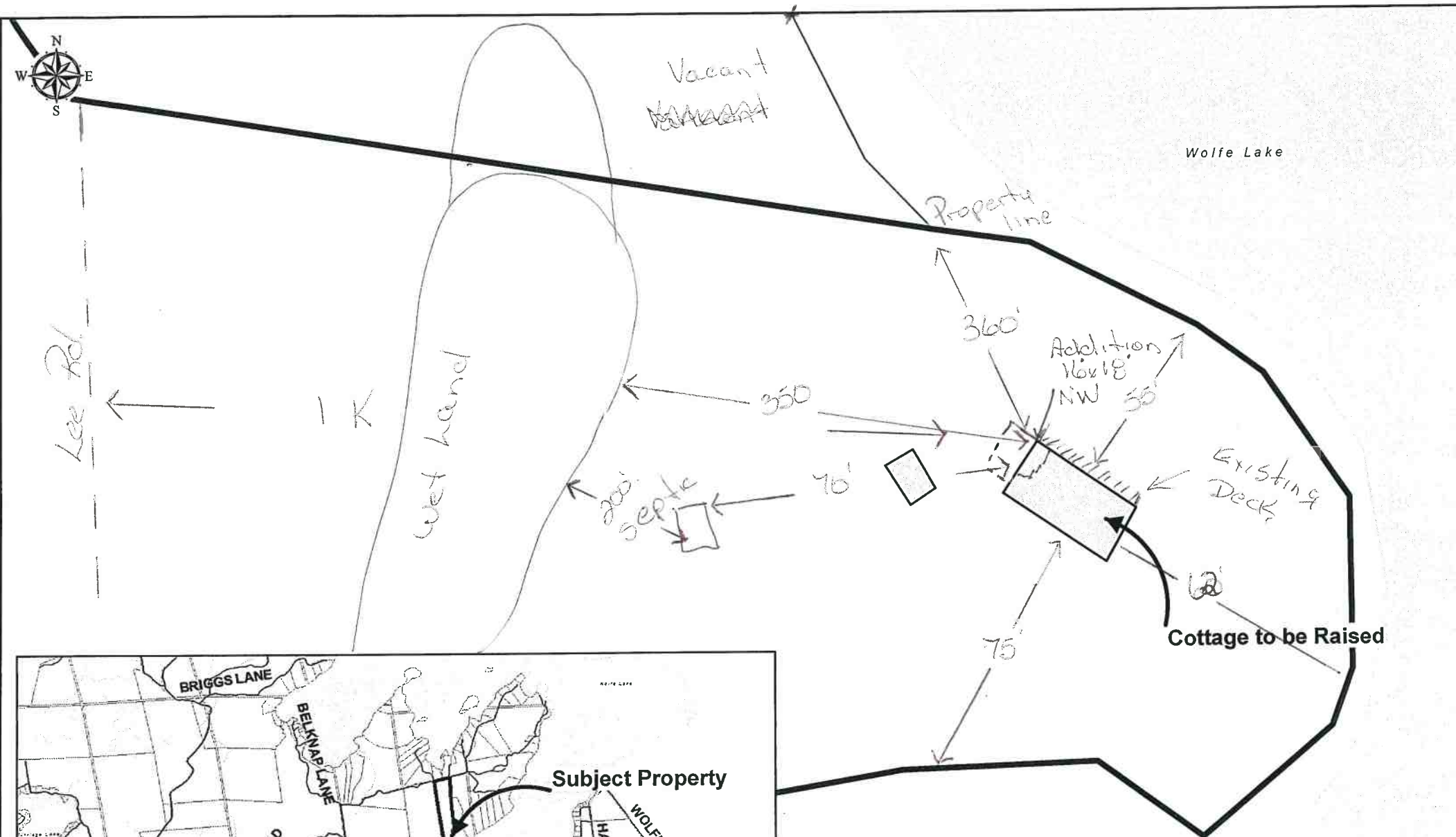
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Scale 1:460



UTM Projection NAD 83





REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



MINOR VARIANCE – PLANNING REPORT

Report Date: September 6, 2019

Application No: MV-28-19-B

Owner: Bruce Wagar & Pam Sinclair

Location of Property: Part Lot 1, Concession 4, District of Bedford, Township of South Frontenac, municipally known as 42B Windy Bay Lane, Desert Lake

Purpose of Application: To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres (98.4 ft) to 12.2 metres (40 ft) from the highwater mark to permit a 300 ft² sleep cabin behind the existing cottage

Date of Hearing: September 12, 2019

Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **approve** minor variance application MV-28-19-B.

Proposal

An application for minor variance has been submitted to permit the construction of a 300 ft² sleep cabin located between the existing cottage and the rear lot line at Part Lot 1, Concession 4, District of Bedford, Township of South Frontenac, municipally known as 42B Desert Lake (see attached map). The property has water frontage on Desert Lake and is accessed by Windy Bay Lane, a private lane which is accessed from Abrams Lane from Canoe Lake Road. The property is an existing developed undersized lot that contains an existing one-storey cottage at the eastern shore of Desert Lake. Desert Lake is identified as a moderately sensitive Lake Trout Lake.

The applicant is proposing to construct a sleep cabin. The approximate dimensions will be 7.6 m (25 ft) by 3.7 m (12 ft) totalling no more than 300 ft² to be located between the existing cottage and the rear lot line and will be set back 12.2 metres (40 ft) from the high watermark of Desert Lake. The location of the proposed sleep cabin is an elevated area. The lands to the rear of the sleep cabin contain a treed rocky hill area. An existing holding tank is located to the southeast of the existing cottage and an existing shed is located east of the existing cottage closer to the entrance into the property.

The applicant is seeking relief from Section 5.8.2.a and Section 10.3.1 of the Zoning Bylaw which both require a 30 metre setback from the highwater mark of Desert Lake. The proposed sleep cabin will be 12.2 metres to the closest point of the highwater mark.

Minor variance is required to permit the construction of a 300 ft² sleep cabin to the rear of the existing one-storey cottage:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.
Requested variance from this section:
 - a. Proposed 300 ft² sleep cabin: 40 feet (12.2 metres) from the high water mark of Desert Lake (variance request of 17.8 metres)

2. Section 10.3.1: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned RLSW.
Requested variance from this section:
 - a. Proposed 300 ft² sleep cabin: 40 feet (12.2 metres) from the high water mark of Desert Lake (variance request of 17.8 metres)

Under Section 45(1) of the *Planning Act* there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

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



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Background

The subject property is a waterfront lot with 112 feet (34 m) of waterfrontage along Desert Lake and is approximately 0.33 acres (0.13 ha) in area. The property has a low bank along the lake where the existing cottage is located, rises up to a small plateau area where the proposed sleep cabin will be located and rises steeply towards Windy Bay Lane to the east. As the property has topography challenges and is an existing undersized lot, the location for the proposed sleep cabin is the most appropriate area for the new structure. The proposed sleep cabin, will be constructed in the approximate dimensions of 7.6m (25 ft) by 3.7 m (12 ft) and will be 3.7m (12 ft) in height and shall be no greater in area than 300 ft². The applicant has indicated that the sleep cabin will include a 3 piece washroom to be connected to the existing holding tank but not a kitchen (a kitchen is not permitted in a sleeping cabin as indicated in the Township of South Frontenac Comprehensive Zoning By-Law 2003-75).

The property has a number of existing trees located on site and a rock outcropping near the driveway. The surrounding area contains existing seasonal dwellings located along the eastern shore of Desert Lake.

Planning Analysis

Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. When assessing development on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. While Desert Lake is identified as a moderately at capacity like in the South Frontenac Official Plan, based on consultation with staff from the Carataqui Region Conservation Authority an Environmental Impact Study/Lake Impact Study was not required for the proposed development as the proposed sleep cabin will be further from the shoreline than the existing cottage and is located outside the regulatory flood plain and outside the defined erosion hazard limit as reviewed by the Carataqui Region Conservation Authority.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Conservation Authorities have Provincially been delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands.

The CRCA have indicated that they do not have floodplain mapping for Desert Lake. The maximum recorded water level for Desert Lake is 136.31 metres geodetic. For Desert Lake, the maximum recorded water level is used in lieu of an engineered flood plain. The CRCA’s guidelines for implementing Ontario Regulation 148/06 requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based on elevation mapping data, the proposed development will be located outside the setback from a regulatory flood plain and CRCA staff have no concerns with the proposal from a flooding hazard perspective.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Current Township of South Frontenac Official Plan, 2003 Designation: Rural

The property is designated as Rural in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Rural designation speak to the importance of maintaining rural character, natural heritage and cultural landscape in the Township. Section 5.7.7 ("Limited Service Residential Policies") include residential development as a permitted use. Lots are to be developed with private water and sanitary sewage disposal. An approved holding tank was installed in 2012. Given the existing size and dimensions of the lot, the location of the proposed sleep cabin will achieve a greater setback to the highwater mark of Desert Lake than the existing cottage. Desert Lake is identified as a moderately sensitive lake trout lake in the Township. An Environmental Impact Assessment/Lake Impact Assessment was not required given the location of the proposed sleep cabin. The CRCA have determined the assessment is not necessary to support this application.

Section 5.2.7 (b)(ii)(3) of the Official Plan indicates that a reduction from the 30 metre setback may be permitted for existing dwellings if it is not physically possible or environmentally desirable to meet the 30 metre setback requirement and that there will be no negative impacts to fish habitat or water quality. New development within the 30 metre water setback will be considered if there is no reasonable alternative for locating the development outside of the highwater mark setback, the development is not closer to the water than the existing development and is set back as far as possible from the water, given the existing topography of the property, and complies with the maximum lot coverage.

Section 5.2.8 of the Official Plan requires that development adjacent to a moderately sensitive lake trout lake may require the proponent to undertake a Lake Impact Assessment. Township staff have consulted with staff at the Cataraqui Region Conservation Authority and it was determined that a Lake Impact Assessment is not necessary to support this application.

Current Zoning in Township of South Frontenac Zoning By-Law, 2003-75: Limited Service Waterfront Residential (RLSW) Zone

The property is zoned Limited Service Waterfront Residential (RLSW) in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW zone is to permit waterfront development with uses restricted to residential and ancillary uses which are accessible on a private lane. The lot is an existing undersized lot as per Section 5.12 of the Zoning By-law. A suitable building location has been identified for the location of the sleep cabin that is outside a hazard area. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures. When completing the site visit, planning staff noted that as the site is constrained, increasing the setback from the highwater mark could not be achieved given the topography and size of the lot.

The proposed sleep cabin does not encroach closer to the water than the existing development, is in a reasonable location to site constraints and complies with the maximum lot coverage and all other zoning provisions in the Zoning By-law for the RLSW Zone.

Agency Analysis and Comments

KFL&A Public Health – Comments dated September 4, 2019 indicated that KFL&A Public Health has no objections to the proposed minor variance as the owner has submitted an application under permit BE-17-19 as the sleeping cabin will be connected to the existing holding tank.

Cataraqui Region Conservation Authority – Comments dated September 5, 2019 from the CRCA indicate that staff have no objection to the approval of application MV-28-19-B based on their consideration for natural hazards, natural heritage, and water quality and quantity protections policies. A permit will be required to be obtained from the CRCA under Ontario Regulation 148/06 prior to development taking place. Staff recommend that roof runoff from the sleep cabin be directed away from the lake (which will be included as a condition in the Development Agreement).

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



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Conclusion

The proposed application to permit the addition to the existing dwelling at Part Lot 1, Concession 4 municipally known as 42B Windy Bay Lane, Desert Lake, District of Bedford, meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan as the proposed sleep cabin to be constructed at the rural waterfront property will maintain the setback of the existing cottage. The constraints on the lot prevent the sleeping cabin from achieving a greater setback. A Lake Impact Assessment was not required to be submitted in support of this development.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the existing waterbody setback of the existing cottage will be maintained and the sleep cabin will be set back to the rear of the existing cottage. Achieving the 30 metre setback would not be possible as the existing structure is within the 30 metre setback to the highwater mark. The proposed sleep cabin does not encroach closer to the high watermark than the existing development, is in a reasonable location due to site constraints and complies with the maximum lot coverage provisions in the Zoning By-law for the RLSW Zone.
- The variance is desirable for the appropriate development of the lands in question as the addition of the sleep cabin will increase the functionality of the property given the size of the existing cottage while maintaining the existing waterbody setback and character of the lot. The sleep cabin will not be visible from Desert Lake or from Windy Bay Lane.
- The variance is minor because the proposal seeks to maintain the waterbody setback with the addition of the sleep cabin, while not impacting the character of the waterfront. The application does not encroach closer to the water than the existing development, is in a reasonable location due to site constraints and the development on the lot complies with the maximum lot coverage provisions in the Zoning By-law.

Recommended Conditions

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

1. Minor variance is for the construction of a sleep cabin to the rear of the existing cottage consisting of a total gross floor area of no greater than 300 ft² (27.9 metres²) in the approximate dimensions of 3.7 metres (12 ft) by 7.6 metres (25 ft) and 3.7 metres (12 ft) in height consistent with the drawing submitted with MV-28-19-B. The proposed sleep cabin will be 40 feet (12.2 metres) to the closest point of the highwater mark in the Limited Service Waterfront Residential 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 5, 2019 letter from the Cataraqui Region Conservation Authority and requirements of the Township. A condition of the agreement shall incorporate the Cataraqui Region Conservation Authority recommendation that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and the Cataraqui Region Conservation Authority.
3. The Owner is required to obtain a permit prior to development commencing from the Cataraqui Region Conservation Authority under Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the Cataraqui Region Conservation Authority.
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-28-19-B 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: June 6, 2019

Attachments: Map of the Wagar/Sinclair property

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

Date Received: July 23, 2019

File No: MV-28-19-B

1. Name of Owner(s): Bruce Wagar and Pam Sinclair

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: NA

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: 4 Lot Number: 1

Street Number: 42 B Name of Road/Street: Windy Bay Lane

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

Roll Number: 020-040-22900-0000

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): 34m (112^{ft})

Frontage (on road/lane): No Frontage

Depth: 30.4m (100^{ft})

Area: 0.33 acres

5. The current zoning of the subject land:

RLSW

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

To construct a 27.8 sq.m (300 sqft) sleep cabin.

There will be a 3pc washroom in the sleep cabin. ~~kw~~

There will not be a kitchen.

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

Topography steep rocky hill behind proposed sleep cabin.

Total lot depth max 30.4m (100^{ft})

8. Does the subject property front on a municipally maintained road?

Yes

No

OR a privately maintained road?

Yes

No

Name of Road/Lane:

Windy Bay Lane

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

Seasonal Cottage 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)
	Sned	Holding Tank	Cottage	Deck
Setback from Front Lot Line	5.5 m (18 ft)	10 m (33 ft)	2.4 m (8 ft)	Ø
Setback from Rear Lot Line	22.5 m (74 ft)	15 m (50 ft)	19 m (60 ft)	28 m (92 ft)
Setback from Side Lot Line	4.9 m (16 ft) north 29 m (96 ft) west	12.5 m east (41 ft) 24.4 m west (80 ft)	22 m east (72 ft) 3.6 m west (12 ft)	3.6 m west 22 m east
Height of Building (Also indicate if it is one story or two story)	2.4 m (94 inches) one story	N/A	3.6 m (12 ft)	Matches first floor cottage
Dimensions of Floor Area	2.3 m x 3.6 m (92" x 116")	1.8 m x 4 m (6 ft x 13 ft)	70 m ² (748')	41.2 m ² (444 sq ft)
Setback from High Water Mark (If applicable)	5.5 m (18 ft)	10 m (33 ft)	2.4 m (8 ft)	Ø

13. The proposed uses of the subject land:

Seasonal Residential

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

Yes No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	Sleep Cabin 12.2 m (40 ft)			
Setback from Rear Lot Line	14.9 m (48 ft)			
Setback from Side Lot Line	9.9 m west (31 ft) 18.2 m east (60 ft)			
Height of Building (Also indicate if it is one story or two story)	3.7 m (12 ft)			
Outside Dimensions of Building/Structure	3.7 m x 7.6 m (12' x 25')			
Setback from High Water Mark (If applicable)	12.2 m (40 ft)			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures? Yes No

If yes, please provide details:

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

17. Do your plans include the **RAISING** of an existing structure? Yes No

If yes, please provide details:

18. What are the uses of the proposed development?

- | | | | |
|-----|--|---|--|
| (a) | Increase in number of bedrooms | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) | Increase in plumbing fixtures | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) | Increase in living space | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

19. The date the subject land was acquired by the current owner:

2007

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

Cottage 1974, Holding Tank 2012, Shed 2016

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

1966

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

Private water system from the lake.

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

Privately owned sewage disposal

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

No

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

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

Yes No

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

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

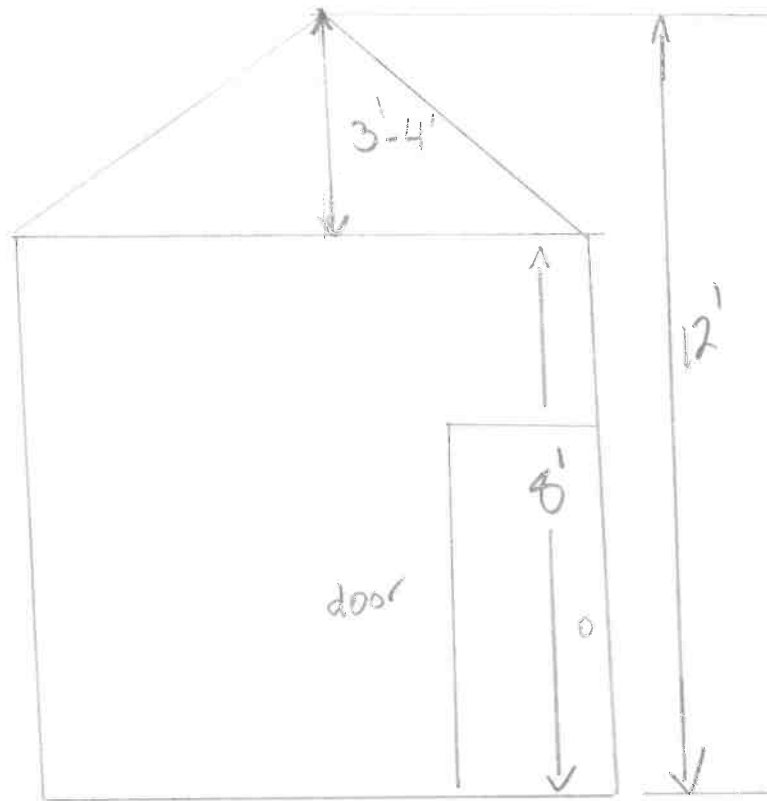
Yes No

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

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

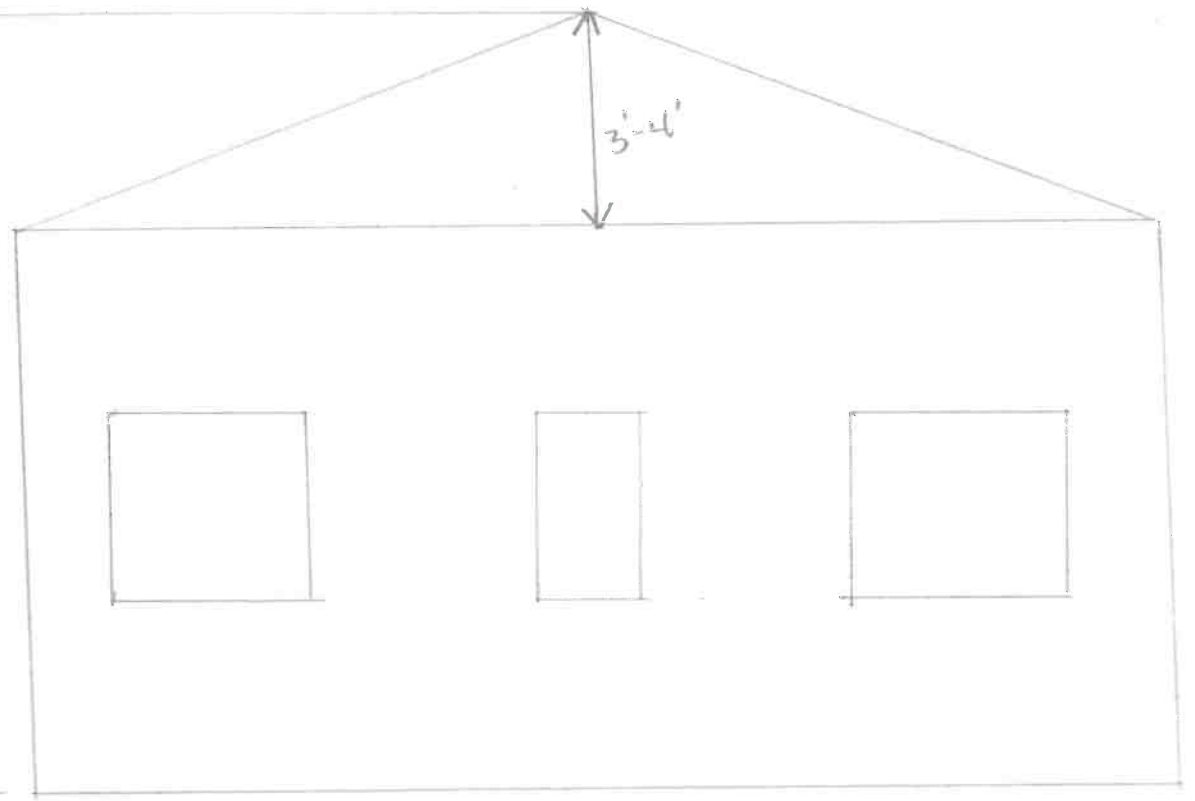
- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line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

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



← 12 feet →

Side View



← 25 feet →

Front View

WINDY BAY LANE

BRUCE WAGAR & PAM SINCLAIR
42B WINDY BAY LANE

54.56 M 179 FT

TREED ROCKY HILL

30.48 M
100 FT

7.6 M
PROPOSED
SLEEP CABIN
3.7 M

HOLDING
TANK

SHED

12.2 M (40 FT)

EXISTING COTTAGE

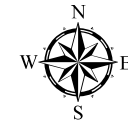
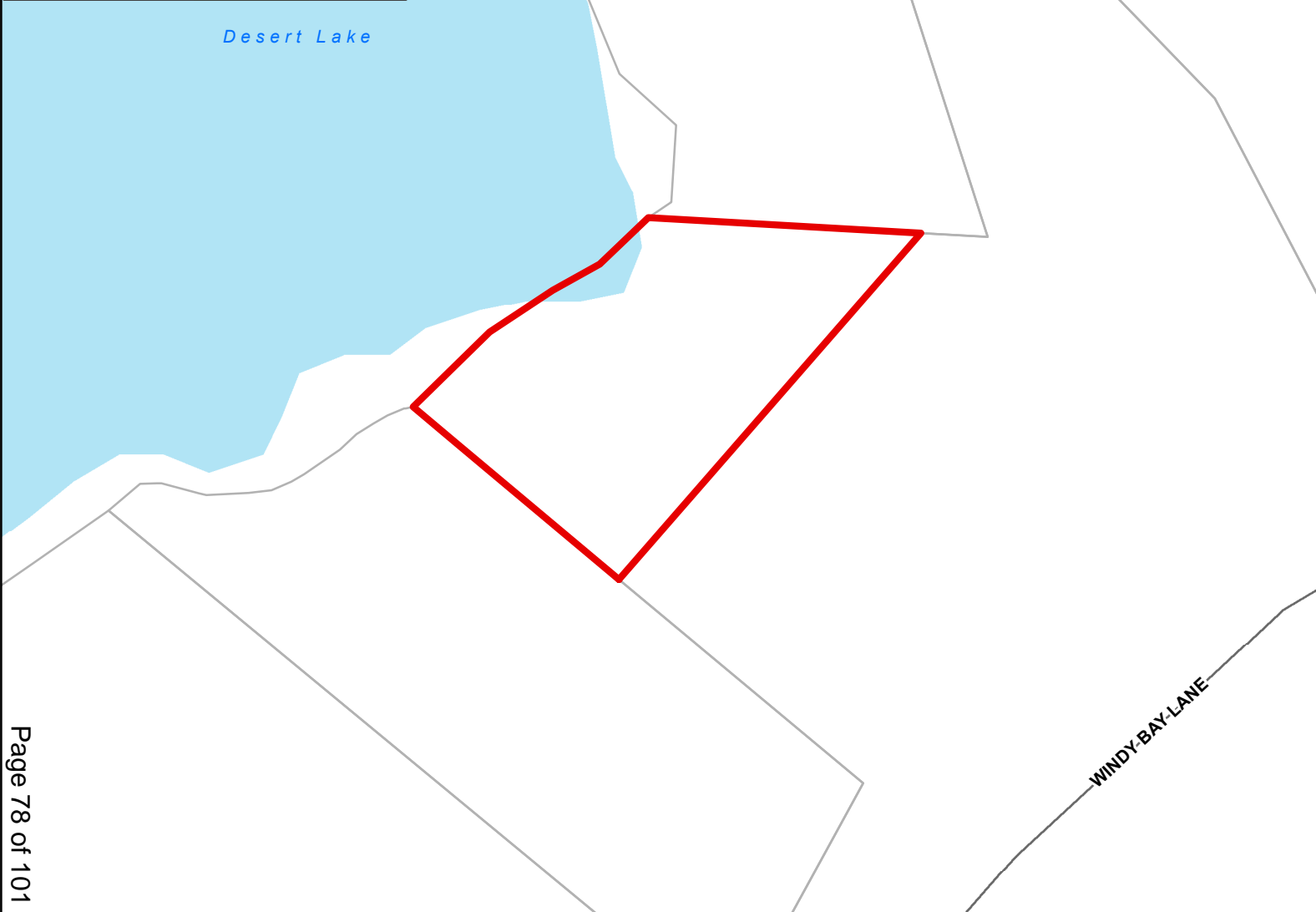
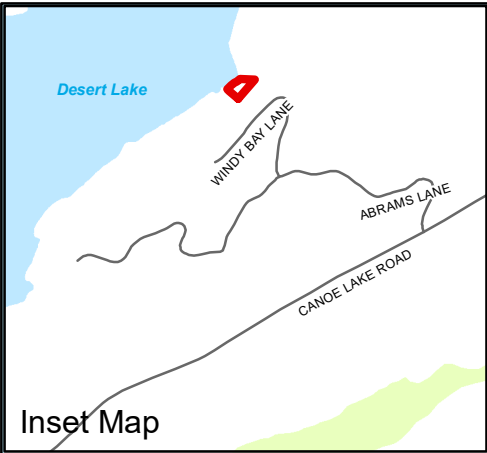
EXISTING
DECK

HW M

34.12 M 112 FT

30.48 M
100 FT




NORTH



**WAGAR & SINCLAIR
MV-28-19-B**

42B WINDY BAY LANE

Legend

-  Wagar & Sinclair Property
-  Parcel Fabric
-  Wetland
-  Provincially Significant Wetlands
-  Waterbody
-  Roads

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 1:700

0 2.5 5 10 15 20



Meters

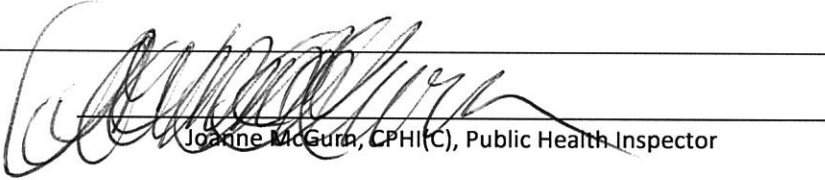
UTM Projection NAD 83



KFL&A
Public Health

REQUESTS FOR COMMENTS

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

To:	Ms. Michelle Hannah Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON K0H 2T0
Application Number:	MV-28-19B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Wagar, Bruce and Sinclair, Pam
Location:	Lot 1, Concession 4, Bedford 42B Windy Bay Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objection to the proposed minor variance as the owners have submitted an application under permit BE-17-19.
Inspector:	 Joanne McGurn, CPHI(C), Public Health Inspector
Date:	September 04, 2019

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

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



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 5, 2019

File: MV/FRS/199/2019

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-28-19-B (Wagar / Sinclair)
Part Lot 1, Concession 4; 42B Windy Bay Lane
Bedford District, Township of South Frontenac
Waterbody: Desert Lake**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration. The property was visited by staff on September 5, 2019.

Summary of Proposal

The proposal involves the construction of a sleep cabin on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 12.2 metres in order to permit the construction of a sleep cabin.

Site Description

The property is located on the east side of the Desert Lake. The topography of the site can be characterized as having a low bank adjacent to the lake with an existing cottage on it, then rising up to a small plateau area behind the cottage where the sleep cabin is to be located, then rising up steeply again toward Windy Bay Lane to the east.

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

Discussion

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

Natural Hazards

Flooding: The CRCA does not have floodplain mapping for Desert Lake. The maximum recorded water level for Desert Lake is 136.31 metres geodetic. For Desert Lake, the maximum recorded water level is used in lieu of an engineered flood plain. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, the proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

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

Water Quality

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

Also, as noted above, Desert Lake is identified as a highly sensitive Lake Trout lake, and as such, the waterbody is afforded additional protection to ensure development does not negatively impact the water quality of the lake. Section 5.2.8(b)(i) of the Official Plan suggests the municipality may require the applicant to undertake a Lake Impact Assessment to determine if the lake can accommodate the proposed development.

Staff note that development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development. The development proposal is located no closer to the water than existing development and it is in a reasonable location since there is limited opportunity to locate development outside of the water setback due to topographic constraints. The development also complies with the maximum lot coverage provisions in the Zoning By-law (less than 10% total), and the development is permitted under the RLSW zoning. Therefore, in the opinion of staff, a Lake Impact Assessment is not necessary in this instance. *If approved, staff recommend that roof runoff from the sleep cabin be directed away from the lake.*

Recommendation

Staff have no objection to the approval of application MV-28-19-B based on our consideration for natural hazard, natural heritage and water quality policies.

Ontario Regulation 148/06

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

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

Yours truly,



Andrew Schmidt
Supervisor, Development Review

/as

c.c. Bruce Wagar & Pam Sinclair, 157 Falkirk Terrace, Kingston ON K7M 4C3
Michelle Hannah, Township of South Frontenac (via email)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



MINOR VARIANCE – PLANNING REPORT

Report Date: September 6, 2019

Application No: MV-29-19-P

Owner: Dana Hollinsworth & Maureen Murphy

Location of Property: Part Lot 7, Concession 13, District of Portland, Township of South Frontenac, municipally known as 1101 Lloyd Lane South, Howes Lake

Purpose of Application: To vary Section 5.8.2 a and Section 10.3.1 of the Township of South Frontenac Zoning Bylaw to reduce the waterbody setback from 30 metres (98.4 ft) to 19 metres (62.3 ft) from the highwater mark and an increase to the maximum permitted lot coverage from 5 percent to 5.5 percent to permit a 1008 ft² single detached residential dwelling

Date of Hearing: September 12, 2019

Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the Committee of Adjustment **approve** minor variance application MV-29-19-P.

Proposal

An application for minor variance has been submitted to permit the construction of a 1008 ft² single detached dwelling unit at Part Lot 7, Concession 13, District of Portland, Township of South Frontenac, municipally known as 1101 Lloyd Lane South, Howes Lake (see attached map). The property is located on the east side of Lloyd Lane South and has water frontage on Howes Lake. The property is accessed by Lloyd Lane South, a private lane which is accessed from Mustard Road to the north and from Craig Road to the west. The property contains an existing licenced trailer near the waterfront, which is not visible from the lane and a shed closer to the driveway. The applicant has indicated that the trailer will be removed from the property should this minor variance be approved.

The applicant is proposing to construct a single storey 1008 ft² single detached dwelling, in the dimensions of 7.3 m (24 ft) by 12.8 m (42 ft) and will be set back 19 metres (62.3 ft) from the high watermark of Howes Lake. A septic system was previously installed on the property closer to Lloyd Lane South and an existing well is located east of the septic system closer to the waterfront. The property is terraced with a series of timber retaining walls and a dock is located at the waterfront. The single detached dwelling will be located on a level elevated grassed area of the lot. Howes Lake is not identified as being either a highly or moderately sensitive lake trout lake.

The applicant is seeking relief from Section 5.8.2.a and Section 10.3.1 of the Zoning Bylaw which both require a 30 metre setback from the highwater mark of Howes Lake and to increase the maximum permitted lot coverage from 5 percent to 5.5 percent. The proposed single detached dwelling will be 62.3 feet (19 metres) to the closest point of the highwater mark.

Minor variance is required to permit the construction of a 1008 ft² one-storey single detached dwelling:

1. Section 5.8.2 a.: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres.

Requested variance from this section:

- a. Proposed 1008 ft² one-storey single detached dwelling: 62.3 feet (19 metres) from the highwater mark of Howes Lake (variance request of 11 metres)

2. Section 10.3.1: The minimum required setback from the highwater mark or floodline of a waterbody shall be 30 metres for properties zoned RLSW.

Requested variance from this section:

- a. Proposed 1008 ft² one-storey single detached dwelling: 62.3 feet (19 metres) from the highwater mark of Howes Lake (variance request of 11 metres)

3. Section 10.3.1: The maximum permitted lot coverage shall be 5 percent for properties zoned RLSW.

Requested variance from this section:



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- a. Proposed lot coverage for the 1008 ft² one-storey single detached dwelling: increase from 5 percent to 5.5 percent

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 131 feet (40 metres) of waterfrontage along Howes Lake and is an existing undersized lot consisting of approximately 0.41 acres (0.168 ha) in area. As the property has topography changes and is an undersized lot, the location for the proposed single detached dwelling unit is the most appropriate area for the new structure. Quinte Conservation staff have already issued Permit No. REG131-2019 for construction of the cottage and to remove the timber retaining wall and regrade the shoreline bank.

The property was subject to a previous minor variance application MV-15-06-P in 2006 and received approval for a reduction to the setback to the highwater mark. The applicants purchased the property in October 2017 and have determined that the approval at that time could not accommodate for the proposed 1008 ft² residential dwelling given the location of the existing septic system and well on the property and the existing lot configuration.

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

Planning Analysis

Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. When assessing development on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands including resource-based recreational uses and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The subject lands do not lie within a Provincially Significant Wetland, or within an Area of Natural and Scientific Interest. An Environmental Impact Study was not submitted and is not required as per Quinte Conservation’s Regulation and Policies.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Conservation Authorities have provincially been delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands.

Staff at Quinte Conservation are satisfied that the application as presented is consistent with Section 3.1 of the PPS as there is sufficient area for development outside of any natural or flood-related hazard.

Current Official Plan Designation: Rural

The property is designated as Rural in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Rural designation speak to the importance of maintaining rural character, natural heritage and cultural landscape in the Township. Section 5.7.7 ("Limited Service Residential Policies") include residential development as a permitted use. Lots are to be developed with private water and sanitary sewage disposal. An approved septic system was previously installed to accommodate for the new dwelling unit. A performance review was undertaken by the KFL&A Public Health Unit in review of this application.

Section 5.2.7 (b)(ii)(2) of the Official Plan indicates on vacant lots existing on the day of adoption of this Plan, a minimum 30 metre (98.4 ft.) setback from the high watermark for all proposed structures shall be required. Consideration may be given to very slight reductions to the minimum 30 metre (98.4 ft.) setback requirement but only if it is not physically possible to meet the setback anywhere on the parcel. Where it is not physically possible to meet the setback, then the structure shall be constructed as far back as possible from the highwater mark.

Current Zoning: Limited Service Waterfront Residential (RLSW) Zone

The property is zoned Limited Service Waterfront Residential (RLSW) in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW zone is to permit waterfront development with uses restricted to residential and ancillary uses which are accessible on a private lane. A 30 metre setback from the high water mark is required for the construction of all dwellings and structures. When completing the site visit, planning staff noted that as the site is constrained, increasing the setback from the highwater mark could not be achieved given the topography, size of the lot and the locations of the existing well and septic system.

The location of the proposed dwelling unit will be located in a reasonable location due to site constraints. With the exception of the setback to the highwater mark and lot coverage, the proposed dwelling complies with the zoning provisions in the Zoning By-law for the RLSW Zone.

Agency Analysis and Comments

KFL&A Public Health – Comments dated August 26, 2019 indicated that KFL&A Public Health has no objections to the minor variance application. A performance review has been performed and the existing septic tank was recently replaced to accommodate the proposed dwelling (PO-23-19).

Quinte Conservation – Comments dated September 5, 2019 from Quinte note they have no objection to the application as presented. The owners will need to apply to the Conservation Authority for a permit prior to development (construction/filling/excavation/site grading) within 30 metres of the 1:100 year floodplain of Howes Lake. The property lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system. A Section 59 Clearance Notice is not required.

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

Conclusion

The proposed application to permit the development of the one-storey 1008 ft² dwelling at Part Lot 7, Concession 13 municipally known as 1101 Lloyd Lane South, Howes Lake, District of Portland, meets the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan as the proposed single detached dwelling unit will be constructed on the rural waterfront property as far back as possible from the waterfront given the constraints on the lot that prevent the cottage from achieving a greater setback.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- The variance conforms to the general intent and purpose of the Zoning Bylaw. As per Section 5.12 of the Zoning By-law, the lot is an existing undersized lot and a structure may be erected provided a suitable building envelope, outside of any hazards, can be accommodated for the intended use. An appropriate building envelope has been determined to be acceptable for the dwelling. 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 and lot coverage. 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 an existing licenced trailer will be replaced with a permanent residential dwelling.
- The variance is minor because the proposal seeks to maintain the waterbody setback given the location of the existing well and septic system. The residential dwelling will be located in a reasonable location due to site topography and constraints of the property.

Recommended Conditions

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

1. The Minor variance is for the construction a single storey 1008 ft² single detached dwelling, in the dimensions of 7.3 m (24 ft) by 12.8 m (42 ft). as per the drawings submitted with MV-29-19-P. The proposed single detached dwelling will be 19 metres (62.3 ft) to the closest point of the highwater mark of Howes Lake in the Limited Service Waterfront Residential 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 August 26, 2019 letter from Quinte Conservation and requirements of the Township, including a clause that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and Quinte Conservation.
3. Prior to the issuance of an occupancy permit under the *Building Code*, the Owner is to ensure that the existing licensed trailer is removed from the property; the Development Agreement noted above shall outline this requirement.
4. 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.
5. The Owner is to ensure that as per Permit No. REG0131-2019, issued from Quinte Conservation that work for the construction of the cottage and removal of the timber retaining wall and regrading of the shoreline bank shall be consistent with the approval provided.
6. 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.
7. Minor variance MV-29-19P 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 Hollinsworth/Murphy property

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

Date Received: Aug. 8/19

File No: MV-29-19-P

1. Name of Owner(s): Dana Hollinsworth, M. Maureen Murphy

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

Phone number of Owner(s): [Redacted]

Email Address of Owner(s): [Redacted]

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

Signature(s) of Owner(s) _____

3. The description of the subject land:

District: Bedford Portland Loughborough Storrington

Concession Number: 13 Lot Number: Pt Lot 7

Street Number: 1101 Name of Road/Street: Lloyd Lane

Reference Plan Number: 13R17713 Part Number(s): 3 & 4

Roll Number: 080-050-18200-0000

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): 39.99 m Frontage (on road/lane): 38.68 m
Depth: 143 ft Area: 1682 m²

5. The current zoning of the subject land:

Residential RLSW

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

5.8.2 a) relief from 3 meters to 19 meters from HWM at front yard
Houses Lake, 10.3, 1 increase lot coverage from 5% to 5.5%

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

will encroach on the existing septic
system and 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:

Lloyd 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?

Seasonal Trailer on Recreational Land.

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

Yes No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	27.5m	Existing Trailer To be removed.		
Setback from Rear Lot Line	7.5m			
Setback from Side Lot Line	21m			
Height of Building (Also indicate if it is one story or two story)	one story 3 m			
Dimensions of Floor Area	8ft x 12ft 96ft ²			
Setback from High Water Mark (If applicable)	27.5m			

13. The proposed uses of the subject land:

Residential

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

Yes No

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

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Residence			
Setback from Front Lot Line	23.19m			
Setback from Rear Lot Line	13m			
Setback from Side Lot Line	5 and 20+			
Height of Building (Also indicate if it is one story or two story)	One story 3.5M			
Outside Dimensions of Building/Structure	24 X 42 1008 ft ²			
Setback from High Water Mark (If applicable)	19m			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures? Yes No

If yes, please provide details:

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

17. Do your plans include the **RAISING** of an existing structure? Yes No

If yes, please provide details:

18. What are the uses of the proposed development?

- | | | | |
|-----|--|---|--|
| (a) | Increase in number of bedrooms | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) | Increase in plumbing fixtures | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) | Increase in living space | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

19. The date the subject land was acquired by the current owner:

Oct 2017

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

2019 sled to store tools while building

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

34 yrs

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

existing drilled 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:

existing private septic system

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

No

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

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

Yes No

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

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.

MV-15-06-P

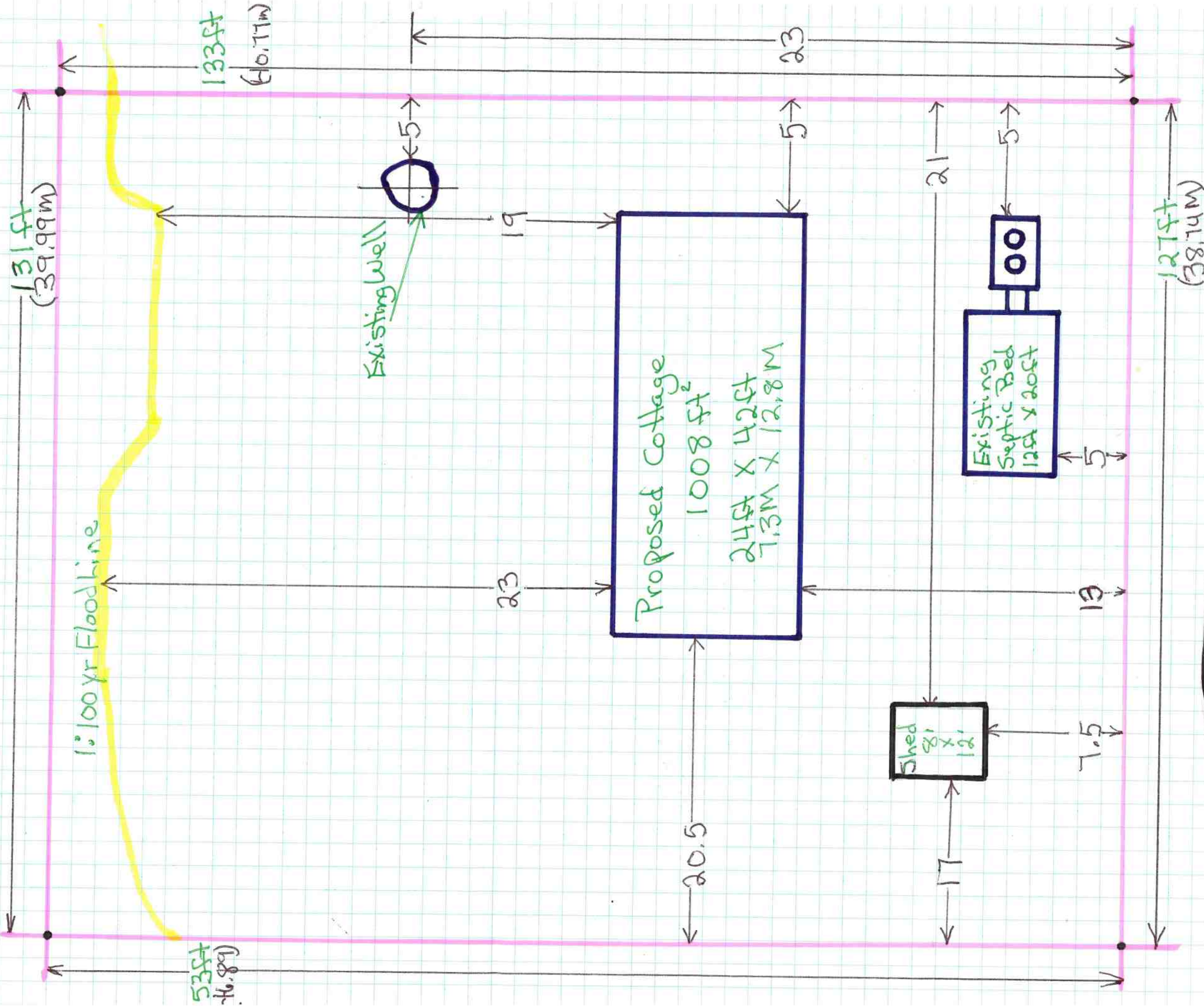
29. A **SKETCH** must be submitted showing the following:

- 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.



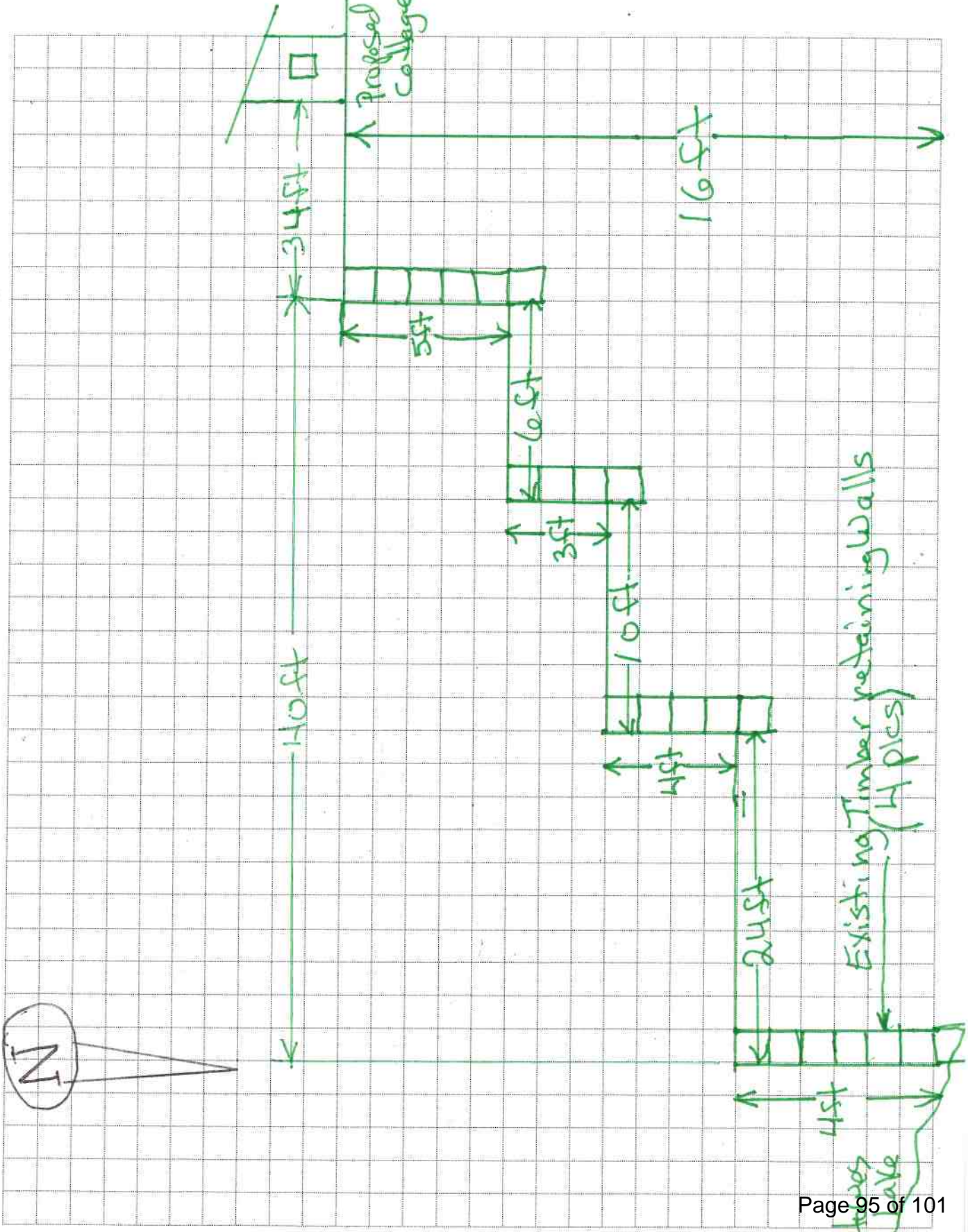
Howes Lake



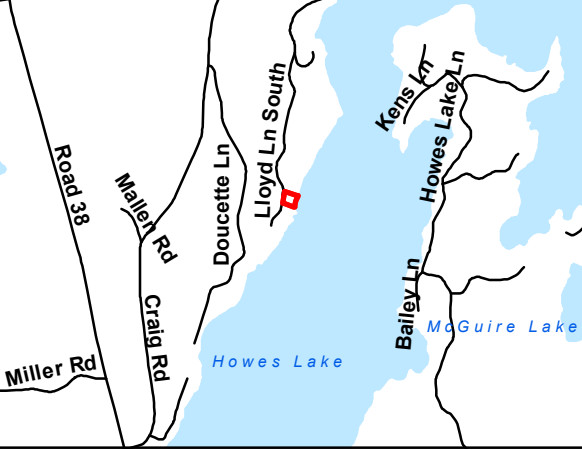


191 DALTON AVENUE, KINGSTON, ONTARIO K7K 6CS
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- Hot Rolled
- Rounds
- Squares
- Flats
- Angles
- Cold Rolled
- Rounds
- Squares
- Flats
- Structural
- Angle
- Channel
- I. Beam
- W.F. Beam
- H.S.S.
- Square
- Rectangular
- Hot Rolled Sheet
- Hot Rolled Plate
- Expanded Metal
- Grating
- Pipe
- Black
- Galvanized
- Saw Cutting
- Shearing
- Profile Cutting
- Nickel
- Stainless
- Aluminum
- Copper
- Brass
- Chain









Inset Map



**HOLLINSWORTH
MV-29-19-P**

1101 LLOYD LANE S

Legend

-  Road
-  Hollinsworth Parcel
-  Parcel Fabric
-  Provincially Significant Wetland
-  Waterbody
-  Wetland

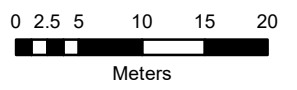
Lloyd Ln South

Howes Lake

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

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

Scale 1:600



UTM Projection NAD 83

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0203-2019

Municipality:	Township of South Frontenac		
Owner:	Dana Hollinsworth		
Location:	1101 Lloyd Lane South	Part Lot 7, Concession 13	Portland
Roll #:	1029-080-050-18200-00000		
Application Description:	Minor Variance Appl'n File No. M-29-19-P	Reduce high water mark setback from 30 metres to 19 metres from Howes Lake to allow for the construction of a 7.3 metre (24 foot) by 12.8 metre (42 foot) residence; and to allow for an increase in lot coverage from 5 percent to 5.5 percent.	
Regulated Feature:	Howes Lake		
Comments:	<p><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazard lands. <u>Staff are satisfied that the application as presented is consistent with section 3.1 of the PPS as there is sufficient area for development outside of any natural or flood-related 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 Howes Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). <u>Please note that the owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 30 metres of the 1:100 year floodplain of Howes Lake.</u></p> <p>Note, QC staff have already issued Permit No. REG0131-2019 for construction of the cottage and to remove the timber retaining wall and regrade the shoreline bank.</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</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> to the subject property as it lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system. <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>		

**Final
Comments:**

Quinte Conservation has no objection to the application as presented.




Sam Carney
Planning and Regulations Technician

August 26, 2019

Date



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

To:	Claire Dodds Township of South Frontenac P.O. Box 100, 4432 George Street Sydenham, Ontario, KOH 2T0
Application Number:	MV-29-19-B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Hollinsworth, Dana
Location:	Part Lot 7, Concession 13, Parts 3 & 4 13R17713 municipally known as 1101 Lloyd Lane South, Howes Lake, District of Portland, Township of South Frontenac
Planning Department or Agency:	Township of South Frontenac (Portland)
Comments:	No objections to the minor variance application. A performance review has been performed and the existing septic tank was replaced to accommodate the proposed dwelling (PO-23-19).
Inspector:	 <hr/> Sarah van Dijk, CPHI(C), Public Health Inspector
Date:	August 28, 2019

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

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

**KINGSTON, FRONTENAC AND LENNOX & ADDINGTON PUBLIC HEALTH
FINAL INSPECTION REPORT FOR CLASS 2, 3, 4, 5 SEWAGE SYSTEM**

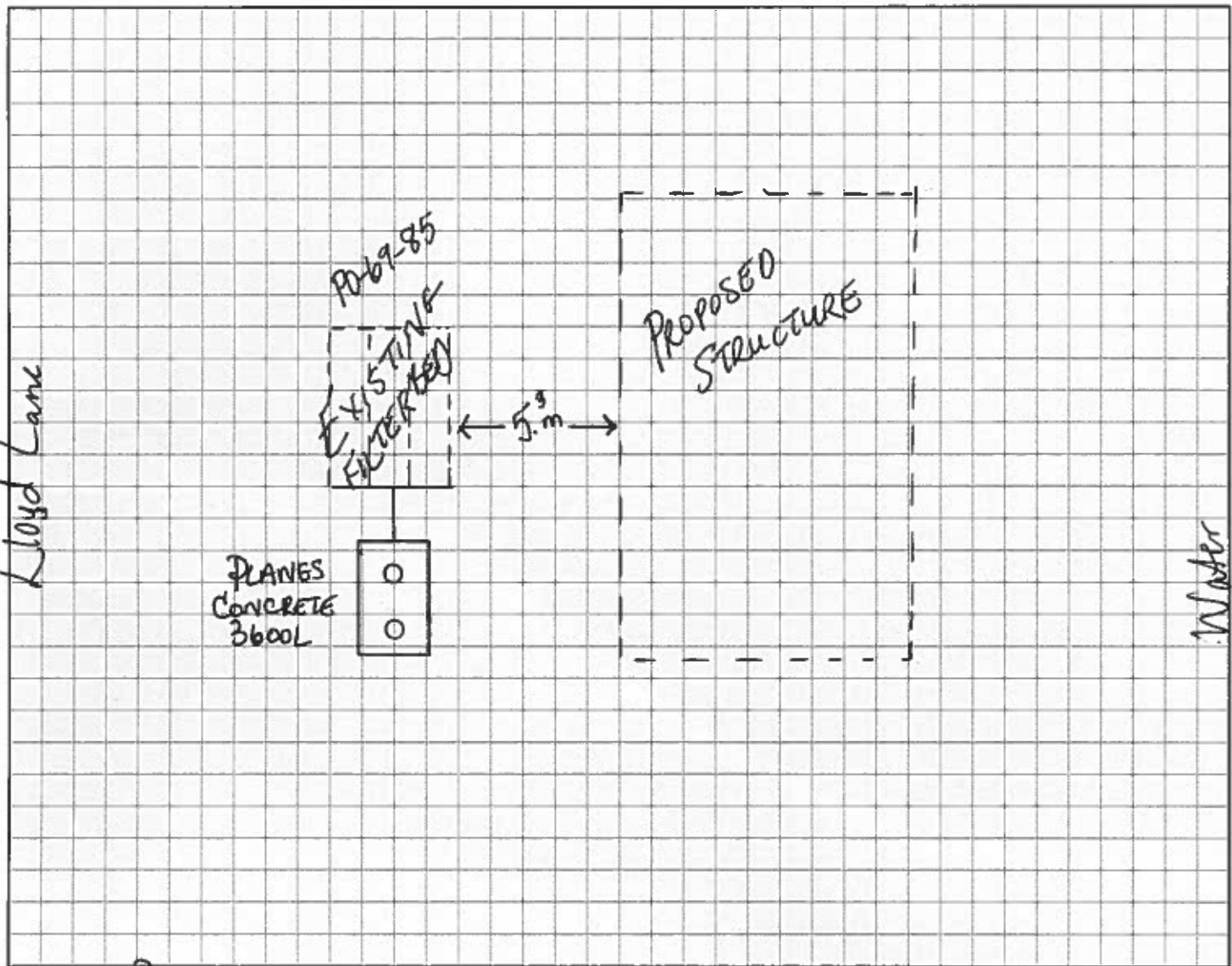
Inspection Details

OWNER DANA HOLLINSWORTH INSTALLER DANA HOLLINSWORTH

1. Work has been satisfactorily completed and includes:

- a) Septic tank / holding tank / treatment unit of working capacity of 3600 litres constructed of concrete plastic serving PROPOSED 2 BEDROOMS
Make / Model of Tank: PLANES
- b) Leaching / Filter Bed _____ metres of EXISTING mm diameter distribution pipe of P0-69-85 (type and product description) laid in _____ runs and fed by _____ If Filter Bed: Loading Area _____ m² Contact Area _____ m²
- c) Treatment Unit Make / Model: _____ Level _____
- d) Chamber System Make / Model: _____ # of Pieces: _____
- e) Leaching Bed GPS Coordinates: Latitude N _____ Longitude W _____

2. Location: The sketch below indicates the location of all components of the Sewage System and separation distances as required under the Ontario Building Code.



Inspector Frankijk Inspection Date Aug 8, 2019

The Sewage System was inspected and it has been determined that the installation complies with the requirements of Regulation 332/12 made under the Building Code Act for the following property located on Lot 3d4 Concession 13 Municipality SOUTH FRONTENAC
District PORTLAND Municipal address 1101 LLOYD LANE SOUTH
Registered Plan # 13R17713 Part(s) _____ Plan of Subdivision # _____ Sublot _____

- Final Compliance Inspection – the following work ^{to be} has been completed:**
- System has been backfilled with suitable granular fill Grading to shed run-off and divert water around leaching bed has been completed
 - Sloped surfaces are stabilized Topsoil has been put on the leaching bed to establish grass cover
 - Other: _____

Inspector Frankijk Date Aug 28, 2019