TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT MEETING
AGENDA

TIME: 7:00 PM,
DATE: Thursday, October 8, 2020
PLACE: Council Chambers.

1. *Electronic Meeting Information*

a) The meeting will be live streamed at the following link:
http://www.facebook.com/SouthFrontenacTwp/

Please visit the Virtual Committee of Adjustment Meetings page on the Township website for the link to register to be a participant in this meeting:
https://www.southfrontenac.net/en/open-for-business/virtual-committee-of-adjustment-meetings.aspx

Instructions about participating via Computer, Laptop, Smartphone, Tablet and Telephone can be found at the above noted link as well.

b) During the Committee of Adjustment meeting staff will be following a PowerPoint Presentation, this presentation will be live-streamed on Facebook at the above noted link, but can also be viewed in the attached document (will be attached closer to the meeting date). 5 - 188

2. *Call to Order*

a) Resolution

3. *Adoption of Agenda*

a) Resolution

4. *Declaration of pecuniary interest*

5. *Approval of Minutes – September 10, 2020*

a) Resolution

6. *Consent Applications from Previous Meetings:*

a) S-32-19-P Taylor 189 - 213
Location: Part Lot 11, Concession 5, District of Portland, Township of South Frontenac, municipally known as Bradford Road
Purpose of Application: Consent for the creation of one new residential lot consisting of approximately 0.8 hectares (2 acres) of land, with the required 76 metres (250 feet) of road frontage along Bradford Road. The retained lands will consist of approximately 46.97 acres (19 hectares) with approximately 140 metres (460 feet) of frontage on Bradford Road.

b) S-34-19-S MacKay 214 - 266
Location: Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road.
Purpose of Application: Consent for the creation of a new residential lot consisting of approximately 6.4 acres (2.6 hectares) with approximately 80 metres (262 feet) of road frontage along Latimer Road. The retained lands will consist of approximately 11.6 acres (4.7 hectares) with approximately 440 metres (1444 feet) of

frontage along Latimer Road.

c) S-35-19-S (MacKay) 267 - 319
Location: Part Lots 23 & 24, Concession 7, being Parts 1 & 2 on Plan 13R16716, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road.
Purpose of Application: Consent to create one new residential lot consisting of 9.34 acres (3.8 hectares) with approximately 360 metres (1181 feet) of road frontage along Latimer Road. The retained lands will consist of approximately 3 acres (1.21 hectares) with approximately 80 metres (262 feet) of frontage along Latimer Road.

7. *Minor Variance Applications from Previous Meetings:*

a) MV-07-20-B (Boville) 320 - 344
Location: Part Lot 25, Concession 5, Part 1 on Plan 13R-10390, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Bobs Lake, Green Bay.
Purpose of Application: To permit an attached deck, and a garage, all of which require variances from Zoning By-law 2003-75. The 53.3 square metre (574 square foot) deck to be attached to the existing dwelling would be set back a minimum of 26.2 metres (85.9 feet) from the high water mark of Bobs Lake. The 72 square metre (775 square foot), two-storey garage would be 7 metres (23 feet) in height. The garage would be located outside the 30 metre setback from the high water mark.

b) MV-22-20-B (Semple & Messenger) 345 - 373
Location: Part of Lot 4, Concession 11, Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake
Purpose of Application: To permit a 188.3 square metre (2,026.5 square foot) seasonal dwelling with a 34.4 square metre (370 square foot) located a minimum of 27.1 metres (89 feet) and 25.3 metres (83 feet) from the highwater mark respectively and 12.1 metres (83 feet) and 10.5 metres (34.4 feet) from the top of bank.

c) MV-28-20-B (Mulrooney) (Gervan) 374 - 396
Location: Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, 33A Swain Lane, Sand Lake.
Purpose of Application: To permit the construction of a 191.5 square metre (2,061.3 square foot) dwelling including front and back porches setback a minimum of 24.96 metres (81.9 feet) from the highwater mark. The proposal will result in a total lot coverage for the principal dwelling of 7%. The existing dwelling set at 11.61 metres (38 feet) from the water is proposed to be removed, as well as the existing sleeping cabin.

d) MV-29-20-L (Dunn) 397 - 437
Location: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake.
Purpose of Application: To permit the construction of a one storey 76 square metre (816 square foot) dwelling with an attached deck (10.3 square metres) (112 square feet) and walkout basement. The proposed construction will be located at 21 metres from the highwater mark. The development will result in a 5.6% lot coverage

for the primary building. The existing dwelling located at approximately 8 metres from the water will be removed and a new septic system is also proposed.

8. *New Minor Variance Applications:*

a) MV-32-20-B (Rademacher) (Gurr) 438 - 463
Location: Part Lot 7, Concession 6, being Part 2, 4 and 5 Canoe Lake, District of Bedford, Township of South Frontenac, Abbey Lane, Canoe Lake.
Purpose of Application: To permit the construction of a new single-detached dwelling with attached sunroom, attached deck and attached garage having dimensions of 20.72 metres (68 feet) by 17.67 metres (58 feet) totally 366.12 square metres (3,944 square feet) with a highwater mark setback of 22.86 metres (75 feet).

b) MV-33-20-L (Paul) 464 - 480
Location: Part Lot 13, on Plan 1540 Eel Bay, District of Loughborough, Township of South Frontenac, municipally known as 2133 Eel Bay Road, Sydenham Lake.
Purpose of Application: To permit the construction of an attached deck with stairs located having dimensions of 17.8 metres (58.4 feet) by 4.26 metres (15.1 feet) and 4.16 metres (13.6 feet) by 2.43 metres (8 feet) respectively. 25.6 metres (84 feet) and 22.9 metres (75 feet) respectively from the highwater mark, and to allow 8.5% lot coverage on the property.

c) MV-34-20-B (Fraser & Stables) 481 - 504
Location: Part Lot 12, Concession 4, District of Bedford, Township of South Frontenac, municipally known as 2160 Westport Road, Potspoon Lake.
Purpose of Application: To permit the construction of a new seasonal dwelling with an area of 93.73 square metres (1,020 square feet) with attached covered porch with an area of 3.90 square metres (42 square feet) and attached deck with an area of 27.87 square metres (300 square feet) with a highwater mark setback and front yard setback of 11 metres (36 feet) and 8.5 metres (28 feet) respectively. And to vary the rear yard setback for the new seasonal dwelling with attached covered porch and deck to 6 metres (20 feet).

d) MV-25-20-B (Monster) 505 - 538
Location: Part Lot 20, Concession 10, being Part 1 on Plan 13R5679, District of Bedford, Township of South Frontenac, 4407 Westport Road, Wolfe Lake.
Purpose of Application: To permit the construction of a new single-detached dwelling with covered porch having an area of 345.7 square metres (3,720.6 square feet) with a highwater mark setback and front yard setback of 18 metres (59.2 feet) to either shore.

e) MV-36-20-L (Palma) 539 - 559
Location: Part Lot 24, Concession 14, being Parts 1 & 3 on Plan 13R16931, District of Loughborough, Township of South Frontenac, municipally known as 1006 Shorter Lane, Buck Lake.
Purpose of Application: To permit construction of a 83.6 square metre (900 square foot) single detached dwelling with attached 6 square metre (64 square foot) covered deck with a front yard and highwater mark setback of 18.9 metres (62 feet) and 17.7 metres (58 feet) respectively. And to permit the construction of an accessory building, being a 22.3 square metre (240 square foot) detached garage with an interior side yard setback of 1.8 metres (6 feet) and

with a highwater mark setback of 18.9 metres (62 feet). The lot coverage for the principal dwelling with attached deck is 5%.

f) MV-37-20-L (Peck) 560 - 577
Location: Part Lot 5, on Plan 1986, being Parts 22 to 24 on Plan 13R14914, District of Loughborough, Township of South Frontenac, municipally known as 4586 Fox Ridge Trail, Sydenham Lake.
Purpose of Application: To permit the construction of an addition to the principal building being a 97.5 square metres (1,050 square foot) attached garage with a setback of 1.5 metres (5 feet) from the interior side lot line. The total lot coverage for the principal building will be 4.8%.

9. *Other Business*

Decisions on Delegated Consents

a) Decisions on Delegated Consents 578 - 579

b) Virtual Committee of Adjustment Meetings - Check-in
Discussion with Staff and Committee of Adjustment Members

10. *Adjournment*

a)

Township of South Frontenac

Committee of Adjustment Meeting

Thursday, October 8, 2020

7:00 p.m. Council Chambers Virtual Meeting

4432 George Street, Sydenham, ON

South Frontenac

Welcome to Virtual Meeting for the Committee of Adjustment

This is a hearing of the Committee of Adjustment for the Township of South Frontenac. All members of the public are muted on our end and your cameras will not be turned on.

Committee Members

- Alan Revill (Chair of the Committee)
- Norm Roberts
- Mike Nolan
- Ray Leonard
- Mike Howe
- Tom Bruce
- Ken Gee
- Randy Ruttan

Township Staff

- Anna Geladi (Planner)
- Claire Dodds (Director)
- Christine Woods (Senior Planner)
- Michelle Hannah (Planning Assistant & Secretary Treasurer)

Format for the Meeting

1. The Chair will introduce the file
2. The planner provides an overview of the application
3. Committee members ask questions
4. Comments from the applicant or their agent
5. Comments or questions from the public
6. The Committee will then deliberate and vote on the application
7. The Chair will state whether the vote was carried

Appeal Rights

- If a person or public body does not make oral submissions at the meeting or make written submissions to the Township of South Frontenac before a decision is made, the person or public body is not entitled to appeal the decision.
- The applicant, the Minister, or any other person or public body who has an interest in the matter may within 20 days of making the decision or date of notice appeal to the Local Planning Appeal Tribunal against the decision of the committee by filing with the Secretary-Treasurer of the Committee a notice of appeal.
- Township staff will be in contact with the applicant following the meeting. Where a decision has been made, the decision will be forwarded to the applicant and anyone who has requested to be notified within 15 days of this meeting.
- If you have any questions after the meeting, please reach out to staff.

How to Speak Regarding an Application

- The Chair of the meeting will open the floor to public comments
- Click “Raise Hand” button to request to speak or dial *9 (star nine) when calling in by telephone
- The Chair will recognize a member of the public, and the Meeting Host will unmute the member of the public
- Once the member of the public is done speaking or the Committee has no further questions, the Meeting Host will mute their microphone

In Case of Technical Difficulties

- If a Committee member disconnects from the meeting, the meeting will proceed if quorum is met and the Committee member will attempt to reconnect.
- Should all members of the Committee disconnect, members will be asked to reconnect.
- If the meeting cannot be restored within 15 minutes, the meeting will be postponed.
- Staff will be in touch with applicants.
- A notice will also be posted on the Township's social media letting you know.

Agenda

- Call to Order
- Adoption of Agenda
- Declaration of Pecuniary Interests
- Approval of Minutes of Previous Meeting
- Consent Applications – Previously Deferred
- Minor Variance Applications – Previously Deferred
- Minor Variance Applications
- Other Business
- Adjournment

Consent Applications Previously Deferred

S-32-19-P
Taylor

Application: S-32-19-P
Owner: Reginald Taylor
Location of Property: Part Lot 11, Concession 5, District of Portland, Township of South Frontenac, municipally known as Bradford Road

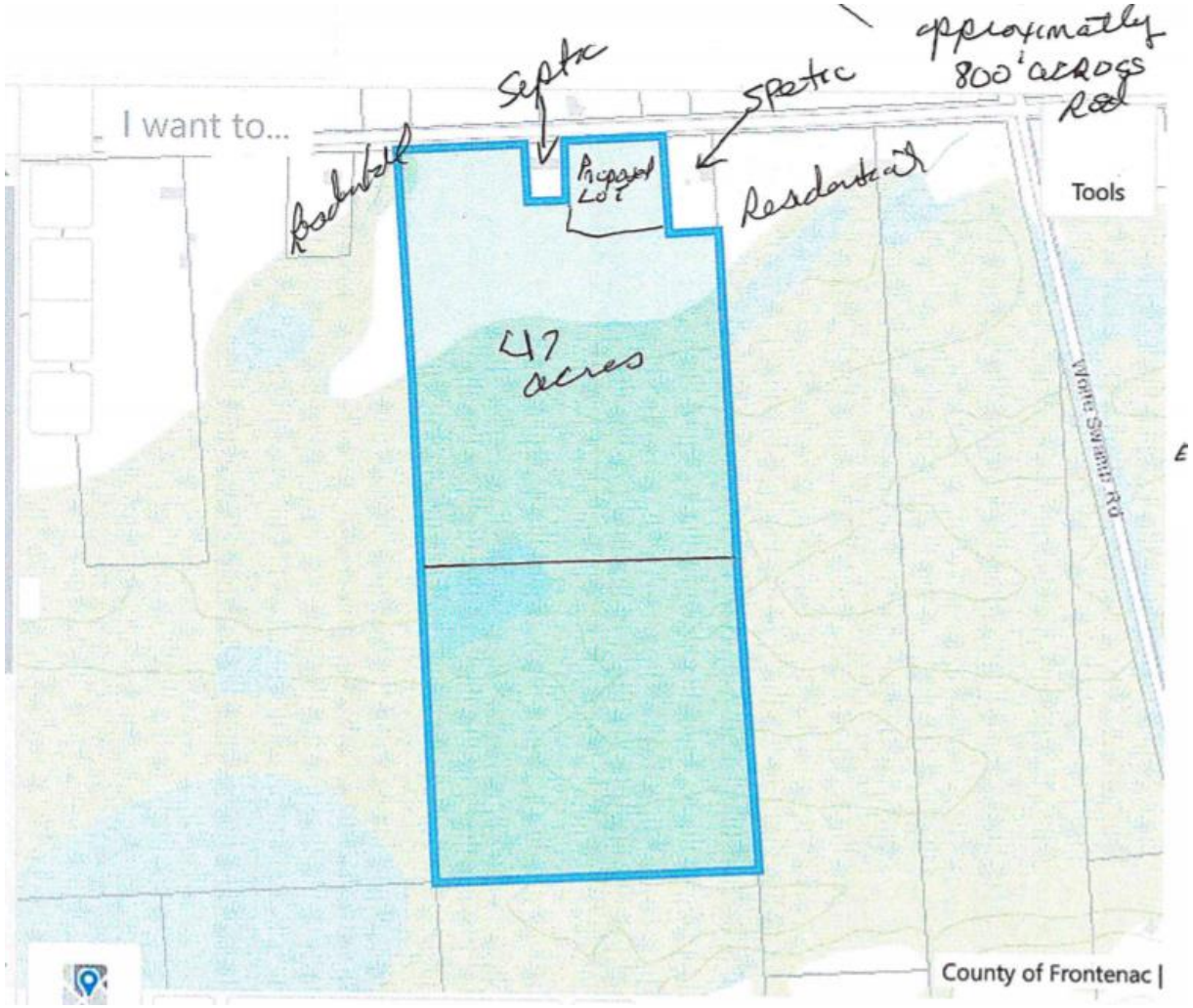
Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-32-19-P for the consent to create a new residential lot in Part Lot 11, Concession 5, District of Portland, Township of South Frontenac, Bradford Road, subject to conditions.

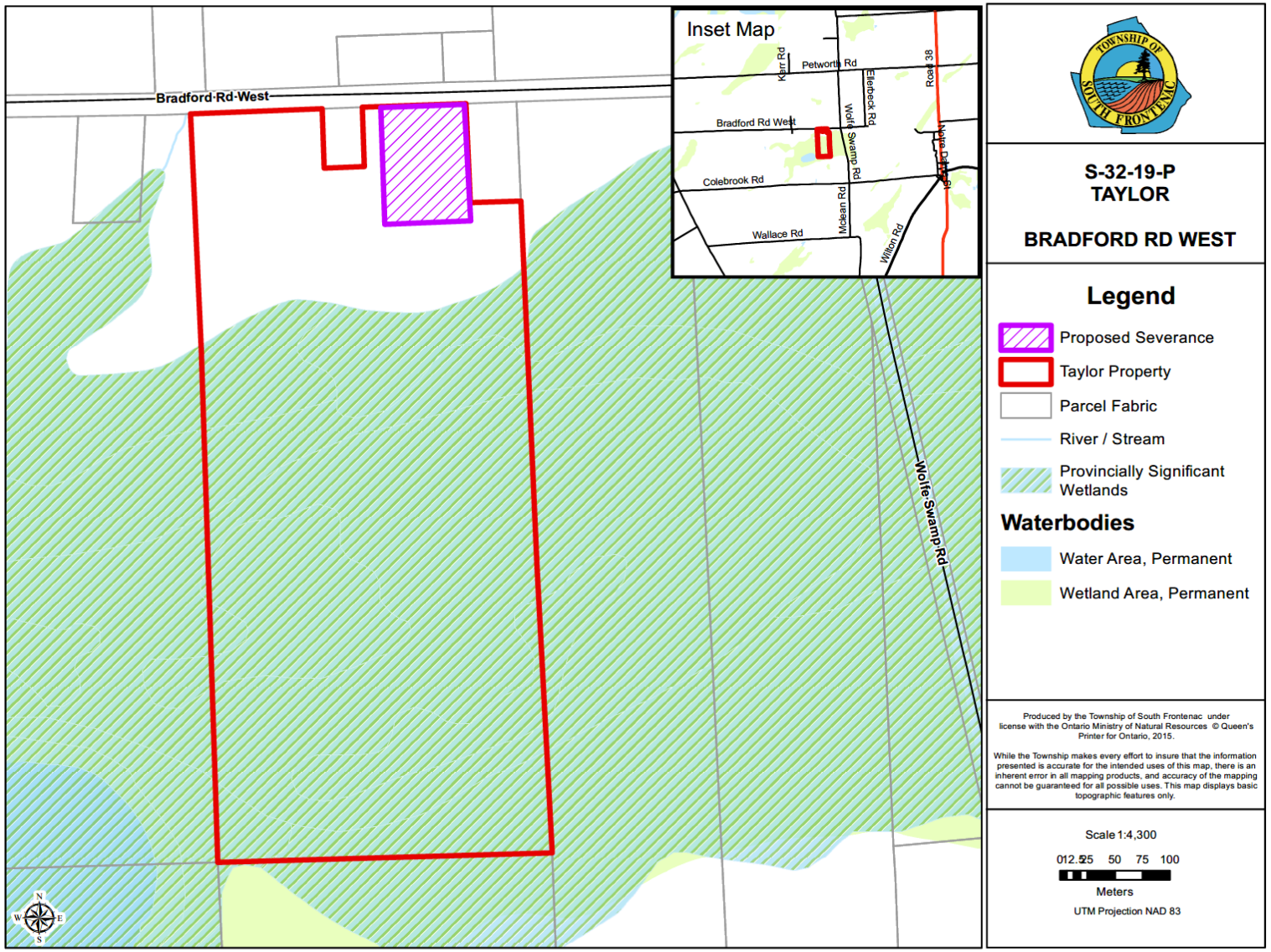
Application: S-32-19-P
Owner: Reginald Taylor

Proposal

The applicant is applying to sever a parcel that consists of approximately +/-0.8 hectares (+/- 2 acres) and has approximately +/-76 metres (+/-250 feet) of frontage along Bradford Road West



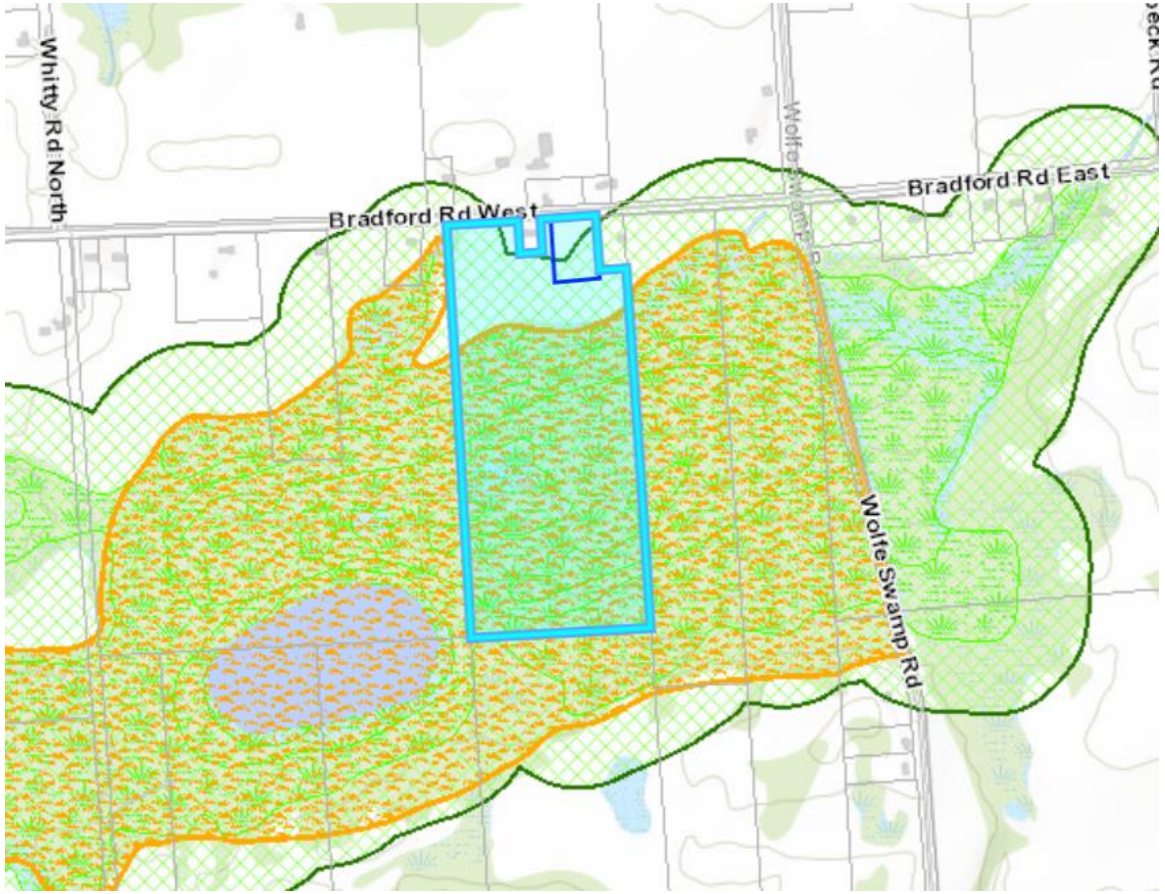
Application: S-32-19-P
Owner: Reginald Taylor



Application: S-32-19-P
Owner: Reginald Taylor



Proposed Site



ANSI
PSW
PSW 120 metre adjacent lands

Application: S-32-19-P
Owner: Reginald Taylor

Planning Analysis

Consistent with Provincial Policy Statement, 2020:	Yes
Current Official Plan Designation:	Rural and Provincially Significant Wetland
Application Conforms with Official Plan, 2003:	Yes
Current Zoning:	Rural and Environmental Protection
Application Complies with Zoning By-law 2003-75:	Yes

Application: S-32-19-P
Owner: Reginald Taylor

Agency Comments

- **KFL&A Public Health:**
  - Comments received from KFL&A Public Health on May 25, 2020 indicate that the sewage system must be constructed in the area beyond the 120 metre Provincially Significant Wetland buffer zone on the severed parcel. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system.

- **Cataraqui Region Conservation Authority:**
  - Comments received from Cataraqui Conservation on January 30, 2020 identified a portion of the severed lot and the retained lot is within the 120 metre (294 foot) adjacent lands to the wetland and within 50 metres (164 feet) adjacent lands to an ANSI. CRCA recommended that the applicant submit an Environmental Impact Assessment to identify an appropriate development envelope on the retained lot.

  - Final comments received from Cataraqui Conservation staff on September 16, 2020 indicate that Staff are satisfied with the proposed 50 metre setback and this setback will be enforced through their regulation at the building permit stage.

- **Public Services:**
  - Comments received from Public Service Department on January 24, indicate that staff have no objections to the application.

- **Public Comments:**
  - No comments from the public have been received to date.

Application: S-32-19-P
Owner: Reginald Taylor

Proposed Conditions of Approval

- All conditions must be completed within one year of notice of decision
- Lands shall be surveyed and an acceptable reference plan shall be provided
- A draft reference plan shall be submitted by the Surveyor or applicant for review prior to depositing
- Payment of outstanding taxes and local improvement charges
- Parkland fee payable
- Confirmation of no abandoned wells on the property
- The applicant shall enter into a Development Agreement with the Township to be registered on title to the retained parcel to address the development of the lot, including a 50 metre setback from the PSW and ANSI as well as lot grading and drainage and entrancing
- Where there is a violation of the Zoning By-law, the appropriate application shall be submitted and obtained

Application: S-32-19-P
Owner: Reginald Taylor
Location of Property: Part Lot 11, Concession 5, District of Portland, Township of South Frontenac, municipally known as Bradford Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-32-19-P for the consent to create a new residential lot in Part Lot 11, Concession 5, District of Portland, Township of South Frontenac, Bradford Road, subject to conditions.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

- Use “Raise Hand” feature at the bottom of your screen
- If you are calling in by phone, please dial *9 (star nine)

Please wait to speak until you hear your name and your microphone has been unmuted.

Comments & Questions from the Public

If you would like to speak:

- Use “Raise Hand” feature at the bottom of your screen
- If you are calling in by phone, please dial *9 (star nine)

Please wait to speak until you hear your name and your microphone has been unmuted.

Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

S-34-19-S and S-35-19-S Mackay

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay
Location of Property: Part of Lot 23, Concession 7, being Parts 1 to 6 on Plan 13R165440, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road

Recommendations

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-34-19-S for consent to create a new residential lot in Part Lot 23, Concession 7, District of Storrington, Township of South Frontenac, 3467 Latimer Road, subject to conditions.

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-35-19-S for consent to create a new residential lot in Part Lot 23, Concession 7, District of Storrington, Township of South Frontenac, 3467 Latimer Road, subject to conditions.

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Proposal

S-34-19-S

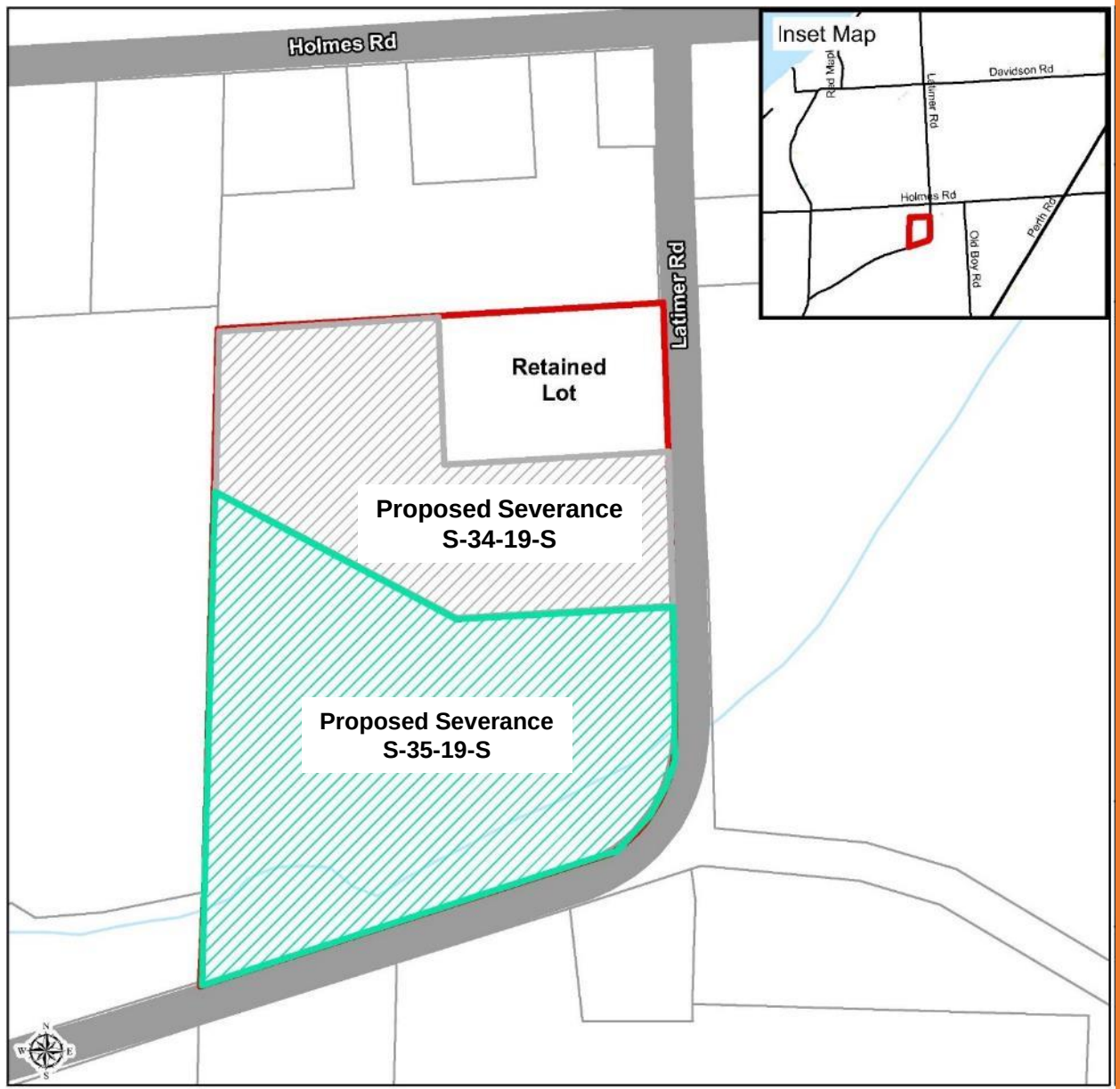
- 2.6 hectares (6.4 acres) in area
- 80 metres (262.5 feet) frontage on Latimer Rd
- Future residential use

S-35-19-S

- 3.8 hectares (9.4 acres) in area
- 100 metres (328 feet) frontage on Latimer Rd
- Future residential use

Retained Parcel

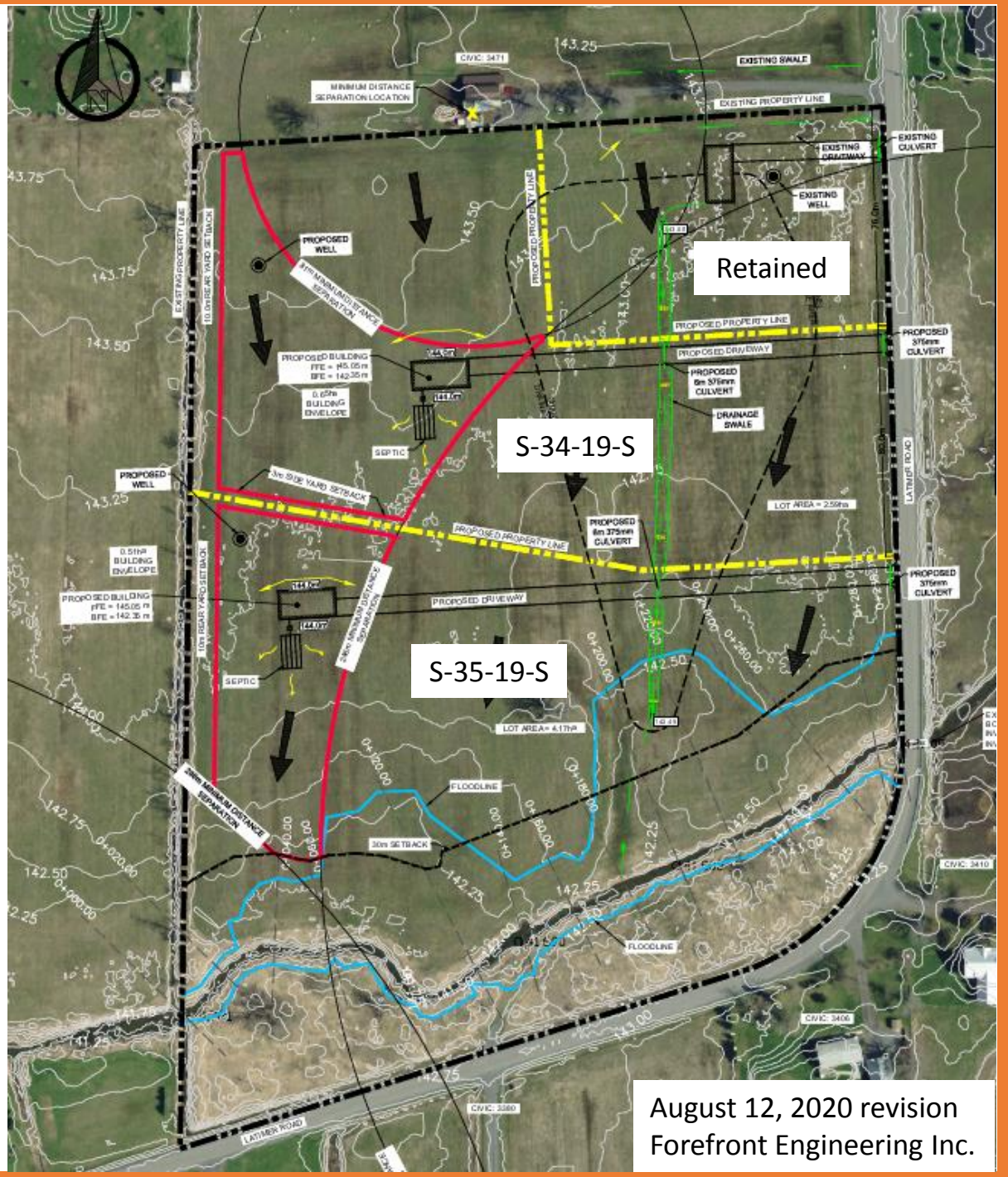
- 1.2 hectares (3 acres) in area
- 80 metres (262.5 feet) frontage on Latimer Rd
- Current residential use



Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Supporting Documentation

- Site plan
- Drainage analysis of watercourse
- Drainage analysis of ditch
- Minimum Distance Separation (MDS I) Setbacks
- Setbacks required by Zoning By-law
- Building envelopes



Agency Comments

- **Public Services Department** – No objection. There are adequate sightlines for proposed entrances. There may be drainage issues on the property outside the municipal road allowance.

- **KFL&A Public Health** – No objection. The proposed lots are capable of providing flexibility in siting sewage disposal systems.

- **Cataraqui Conservation** – No objection.

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Public Comments

- **Kevin and Suzanne Bovey (3328 Latimer Road)** are opposed to the lots. Concerns raised:
  - MDS I calculations not completed for their barns
  - accuracy of the Farm Data Sheets
  - proximity of wells to their fields
  - future neighbour complaints
  - impact of two new houses on the ability of neighbouring farms to expand livestock operations

Public Comments

- **Chris Wicke (3287 Latimer Road)** is opposed to the lots. Concerns raised include:
  - appropriateness of the proposal relative to applicable Provincial and Township policy
  - MDS I calculations not completed for all barns
  - nuisance complaints against normal farm practices
  - awkward lot configuration
  - small building envelopes
  - impact on existing drainage issues

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Planning Analysis

Consistent with Provincial Policy Statement, 2020:	Yes
Current Official Plan Designation:	Rural
Conforms with County Official Plan:	Yes
Conforms with Township Official Plan:	Yes
Current Zoning:	Rural
Complies with Zoning By-law 2003-75:	Yes

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

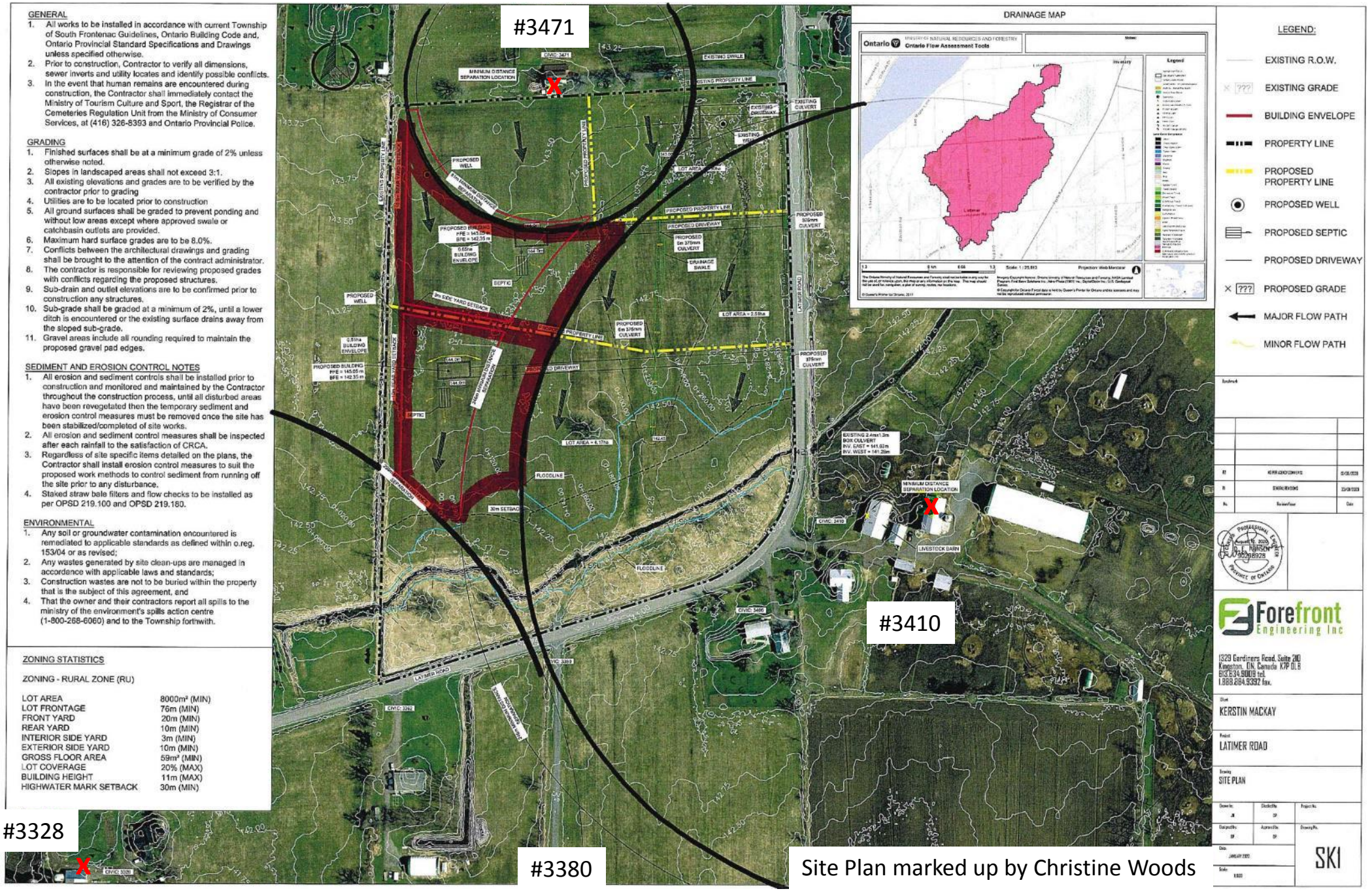
Policy Theme: Rural Residential Development

- PPS allows growth and development to be directed to rural lands, including residential lot creation
- Official Plan allows limited non-agricultural residential development within the Rural area
- New residential uses must be appropriately separated from incompatible agricultural areas and natural hazards
- Separation is provided through
  - MDS I setbacks to livestock barns
  - Setbacks from watercourses and floodplains
- Rural Residential policies are met
  - Frontage, size and shape conform to Zoning By-law
  - Can be serviced by private water and sewage disposal systems
  - Frontage on a public road
- A generally satisfactory geometric design of the parcels is achieved

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Policy Theme: Minimum Distance Separation

- Residential development must comply with MDS I
- There are four farm operations with a total of five barns
- Minimum Distance Separation calculated using OMAFRA guidelines and software
- MDS I originally calculated for three livestock operations
- Staff requested farm operators to review and correct Farm Data Sheets based on public comment and further review
- MDS I calculated for all five barns based on farmer-provided information
- Lots would have building envelopes greater than 0.5 hectares (1.2 acres)



Site Plan marked up by Christine Woods

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Policy Theme: Environmentally Sensitive Areas

- Drainage analysis defined the extent of flooding hazards associated with watercourse and ditch
- Lots would have building envelopes outside the floodplain
- Lot grading and drainage plans would be required at the building permit stage

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay
Location of Property: Part of Lot 23, Concession 7, being Parts 1 to 6 on Plan 13R165440, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road

Recommendation for S-34-19-S

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-34-19-S for consent to create a new residential lot in Part Lot 23, Concession 7, District of Storrington, Township of South Frontenac, 3467 Latimer Road, subject to conditions.

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Proposed Conditions of Approval for S-34-19-S

- All conditions must be completed within one year of notice of decision
- S-34-19-S shall not be finalized and the transfer not registered before finalizing S-35-19-S
- Lands shall be surveyed and an acceptable reference plan shall be provided
- A draft reference plan shall be submitted by the surveyor or applicant for review prior to depositing
- A surveyed drainage easement shall be established over the ditch and registered on title of all three parcels
- Road widening requirements to be confirmed by surveyor
- Payment of outstanding taxes and local improvement charges
- Parkland fee payable
- Confirmation of no abandoned wells on the property
- Development Agreement must be registered on title to address the development of the lot (e.g. entrance permit, potable water, lot grading and drainage plan), revised site plan showing MDS I setbacks and drainage easement, and notification of O. Reg. 148/06
- Where there is a violation of the Zoning By-law, the appropriate application shall be submitted and obtained

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay
Location of Property: Part of Lot 23, Concession 7, being Parts 1 to 6 on Plan 13R165440, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road

Recommendation for S-35-19-S

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-35-19-S for consent to create a new residential lot in Part Lot 23, Concession 7, District of Storrington, Township of South Frontenac, 3467 Latimer Road, subject to conditions.

Applications: S-34-19-S and S-35-19-S
Owners: Kevin & Kerstin MacKay

Proposed Conditions of Approval for S-35-19-S

- All conditions must be completed within one year of notice of decision
- S-35-19-S must be finalized and the transfer registered before finalizing S-34-19-S
- Lands shall be surveyed and an acceptable reference plan shall be provided
- A draft reference plan shall be submitted by the surveyor or applicant for review prior to depositing
- A surveyed drainage easement shall be established over the ditch and registered on title of all three parcels
- Road widening requirements to be confirmed by surveyor
- Payment of outstanding taxes and local improvement charges
- Parkland fee payable
- Confirmation of no abandoned wells on the property
- Development Agreement must be registered on title to address the development of the lot (e.g. entrance permit, potable water, lot grading and drainage plan), revised site plan showing MDS I setbacks and drainage easement, and notification of O. Reg. 148/06
- Where there is a violation of the Zoning By-law, the appropriate application shall be submitted and obtained

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from the Public

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Resolution & Voting on S-34-19-S

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

Resolution & Voting on S-35-19-S

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

Minor Variance Applications Previously Deferred

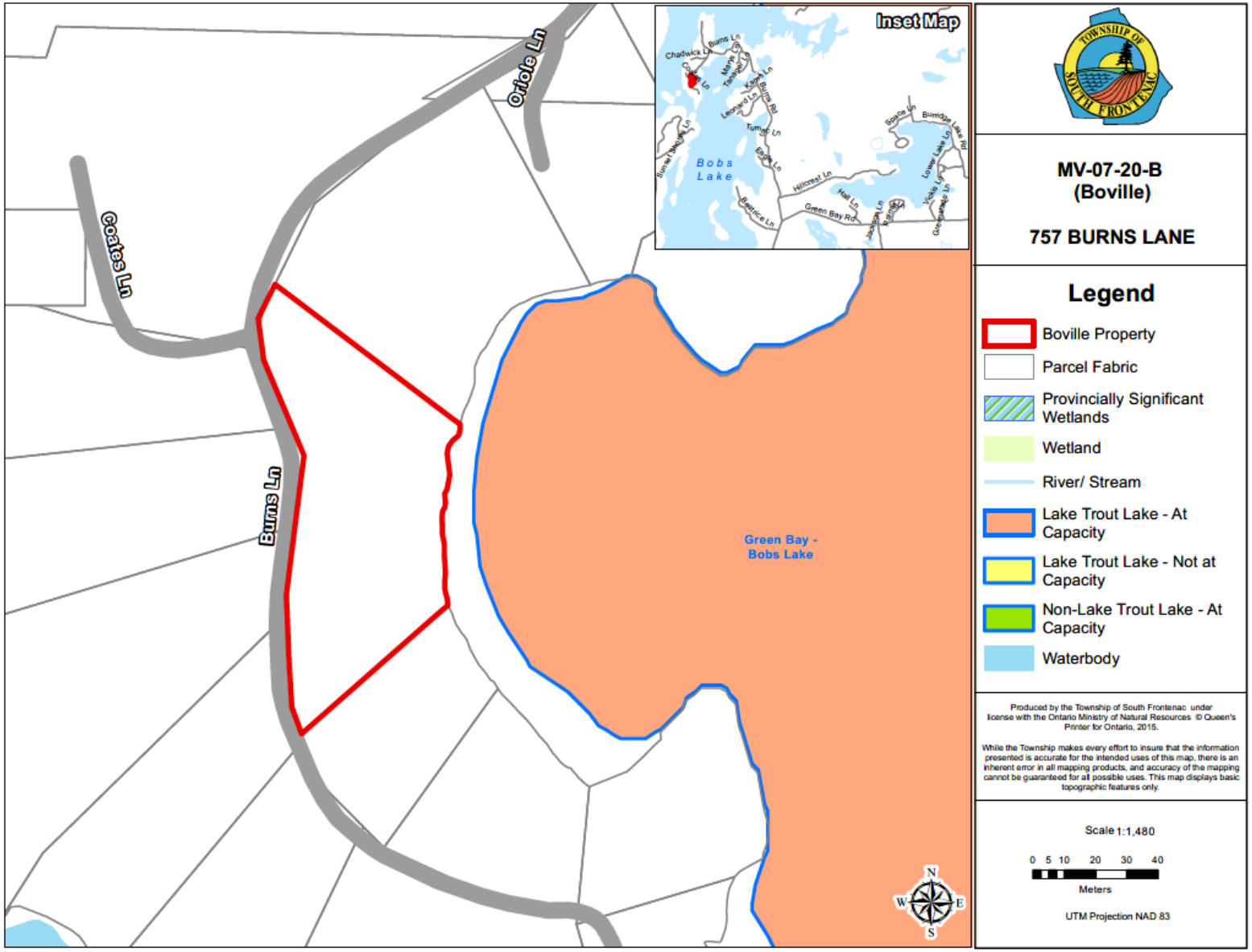
MV-07-20-B
Boville

Application: MV-07-20-B
Owner: Doreen Boville
Location of Property: Part Lot 25, Concession 5, Part 1 on Plan 13R10390, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Green Bay of Bobs Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** amended minor variance application MV-07-20-B, subject to conditions.

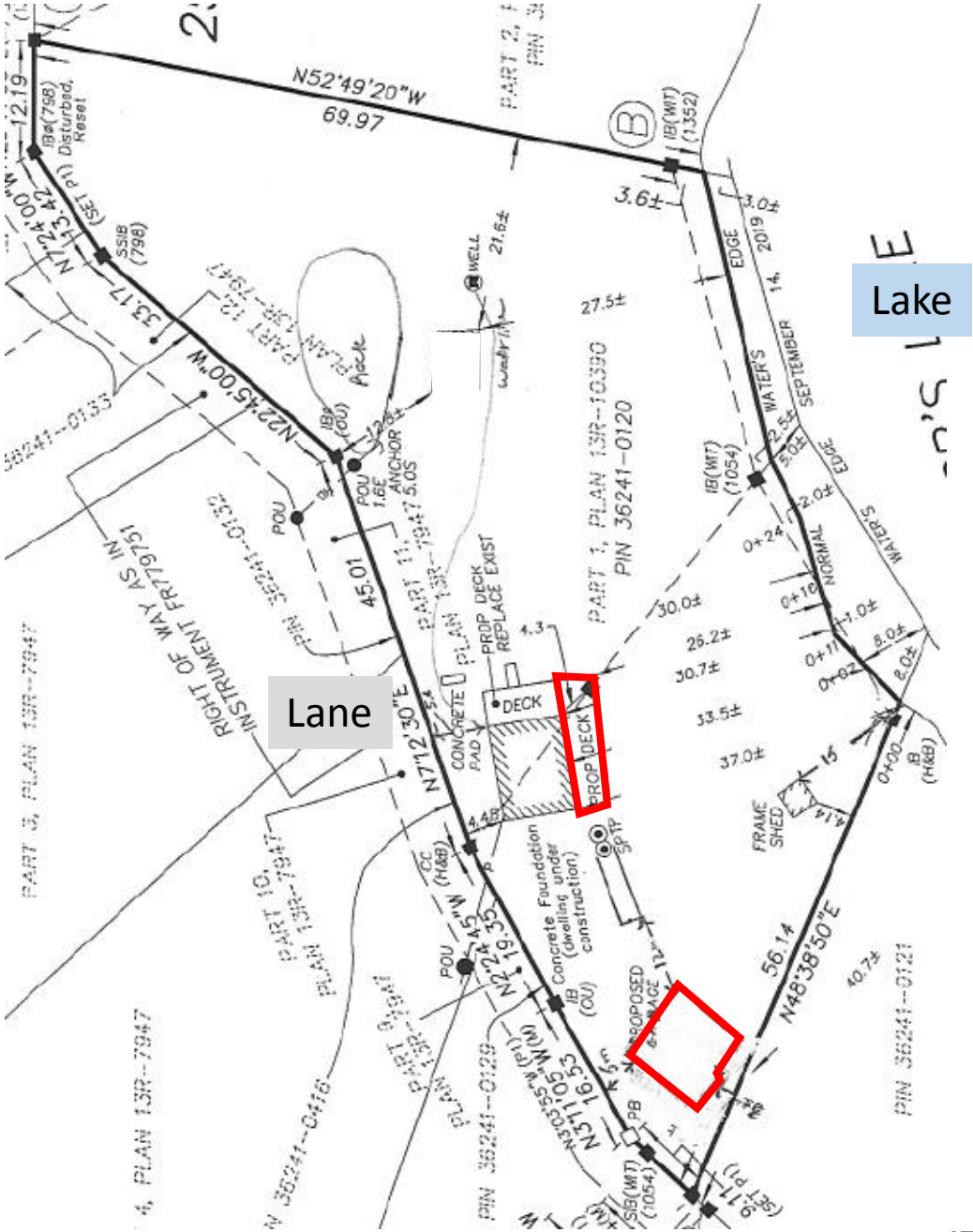
Application: MV-07-20-B
Owner: Doreen Boville



Application: MV-07-20-B
Owner: Doreen Boville

Proposal

- The applicant proposes to construct an attached deck to an existing seasonal dwelling and a detached garage.
- The deck would be located within 30 metres of the high water mark of the Green Bay of Bobs Lake.
- The garage would have an increased building height.



Application: MV-07-20-B
Owner: Doreen Boville

Relief Sought

Official Plan Designation	**Zoning**
Rural	Limited Services Residential – Waterfront (RLSW)
Zoning Relief Requested	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards **Section 10.3.1:** Front Yard and High Water Mark Setback (Deck)	**Relief:** To permit a deck attached to an existing single detached dwelling with a minimum setback of 26.2 metres (85.9 feet) from the high water mark of Bobs Lake, whereas the Zoning By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 10.3.2: Accessory Building Height (Garage)	To permit an accessory building (garage) with a maximum height of 7 metres (23 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet) for accessory buildings and structures.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-07-20-B
Owner: Doreen Boville



View of existing cottage and proposed location of deck and garage.

Application: MV-07-20-B
Owner: Doreen Boville



View of proposed location of garage.

Application: MV-07-20-B
Owner: Doreen Boville

Comments

- **Public Services Department** – Not circulated because the property accessed from a lane.

- **Building Department** – No objection. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

- **KFL&A Public Health** – No objection. The existing sewage system is satisfactory.

- **Rideau Valley Conservation Authority** – No objection to the variances for the deck and garage. Recommended conditions to implement through site plan control.

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

Application: MV-07-20-B
Owner: Doreen Boville
Location of Property: Part Lot 25, Concession 5, Part 1 on Plan 13R10390, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Green Bay of Bobs Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** amended minor variance application MV-07-20-B, subject to conditions.

Application: MV-07-20-B
Owner: Doreen Boville

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with revised plans submitted
- A site plan agreement will be required to be registered on title
- A building permit is required for all demolition and construction on the property
- MV-07-20-B is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from the Public

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Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

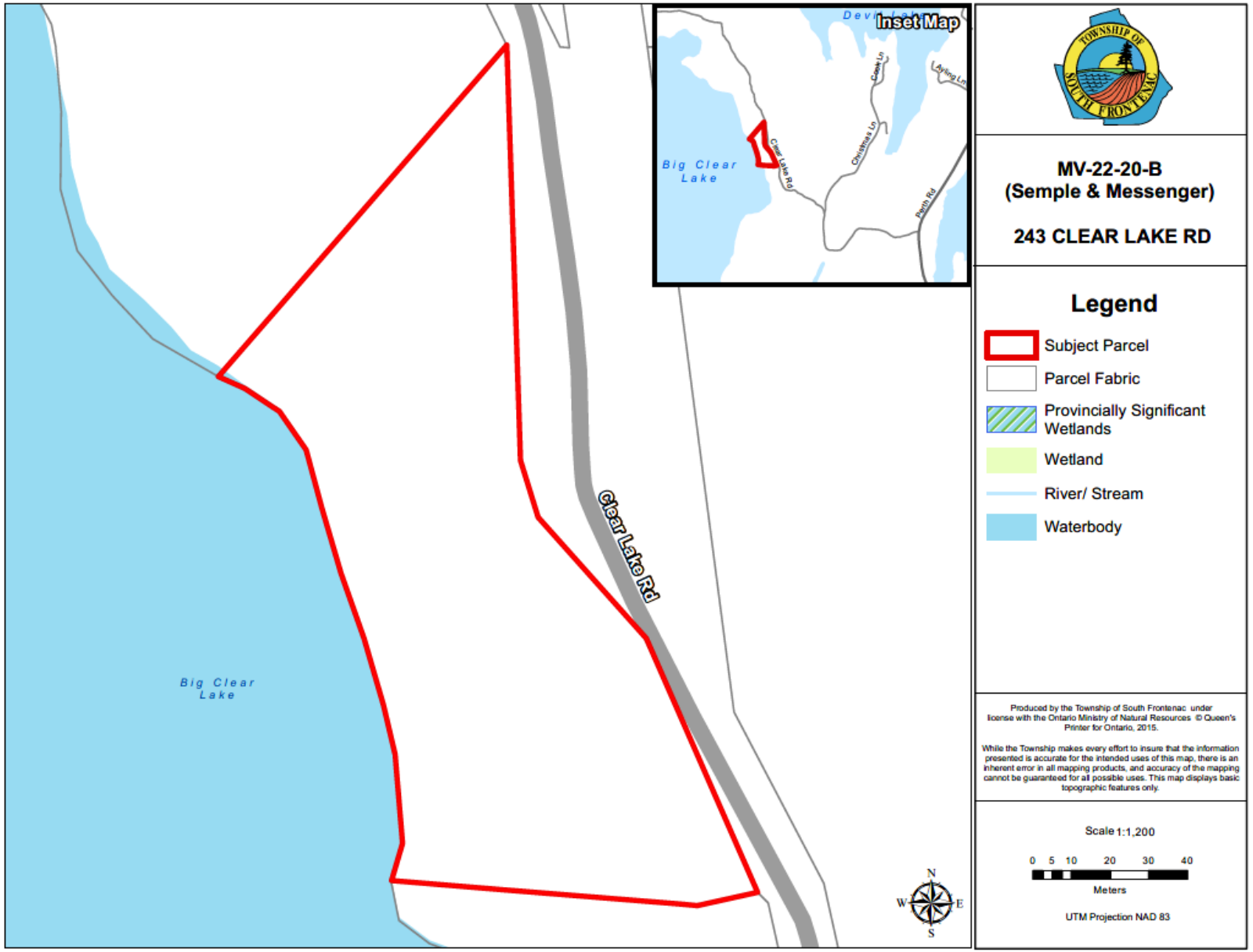
MV-22-20-B
Semple & Messenger

Application: MV-22-20-B
Owners: Ian Semple and David Messenger
Location of Property: Part Lot 4, Concession 11, Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** amended minor variance application MV-22-20-B, subject to conditions.

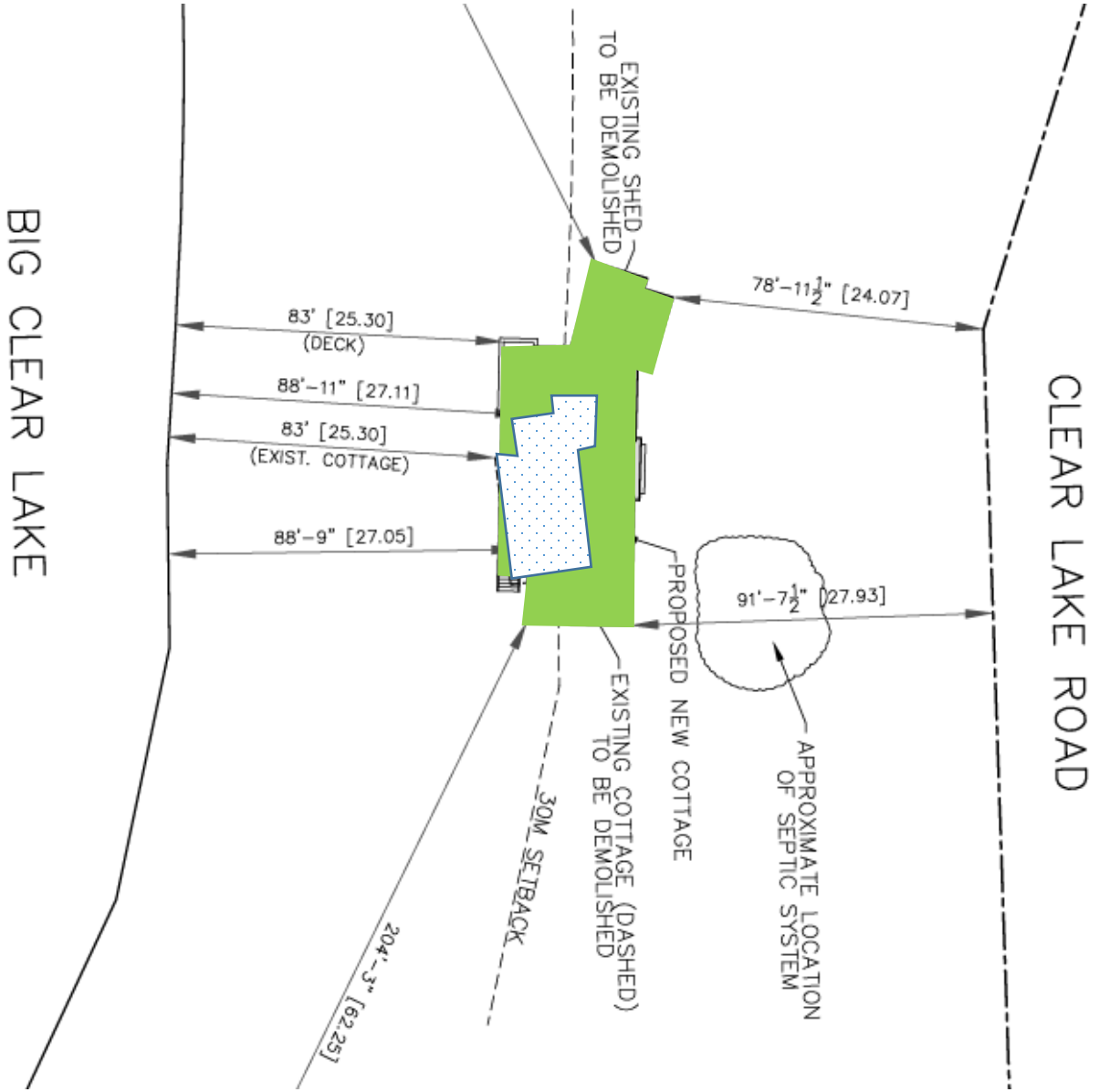
Application: MV-22-20-B
Owners: Ian Semple and David Messenger



Application: MV-22-20-B
Owners: Ian Semple and David Messenger

Proposal

- The applicants propose to construct an seasonal dwelling with attached deck.
- The dwelling and deck would be located within 30 metres of the high water mark of Big Clear Lake and within 15 metres of the top of bank.
- The seasonal dwelling would replace an existing seasonal dwelling.



Application: MV-22-20-B
Owners: Ian Semple and David Messenger

Relief Sought

Official Plan Designation	**Zoning**
Rural	Limited Services Residential – Special Provision (RLS-2)
Zoning Relief Requested	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with an attached deck with a minimum setback of 26.2 metres (86 feet) and 22.5 metres (74 feet), respectively, from the high water mark of Big Clear Lake, whereas the Zoning By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 5.8.2 b): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with an attached deck with a minimum setback of 11.7 metres (38.4 feet) and 8.8 metres (28.9 feet), respectively, from the defined top of bank, whereas the Zoning By-law requires a minimum 15 metre (49.2 feet) setback from the top of bank for all buildings and structures.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger



View of shoreline and slope.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger



View of existing cottage and proposed location of new cottage and deck.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger

Comments

- **Public Services Department** – The Director of Public Services indicated that he has no concern with the proposal.

- **Building Department** – No objection. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

- **KFL&A Public Health** – No objection. The existing sewage system is satisfactory.

- **Cataraqui Conservation** – No objection to revised proposal.

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

Application: MV-22-20-B
Owners: Ian Semple and David Messenger
Location of Property: Part Lot 4, Concession 11, Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** amended minor variance application MV-22-20-B, subject to conditions.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with revised plans submitted
- A development agreement will be required to be registered on title
- A building permit is required for all demolition and construction on the property
- MV-22-20-B is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from the Public

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Resolution & Voting

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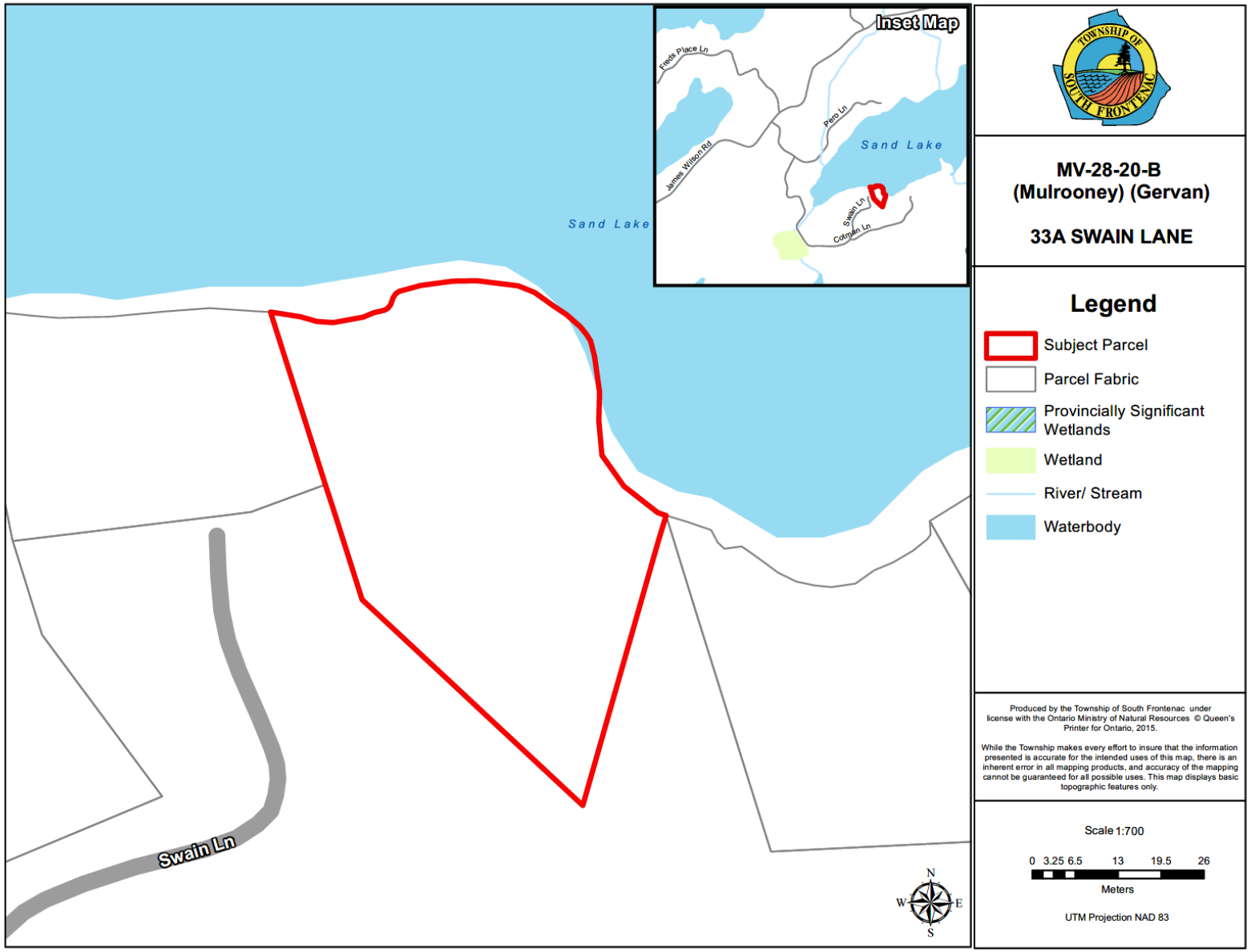
MV-28-20-B
Mulrooney (Gervan)

Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney
Location of Property: Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, municipally known as 33A Swain Lane, Sand Lake

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-28-20-B, subject to conditions.

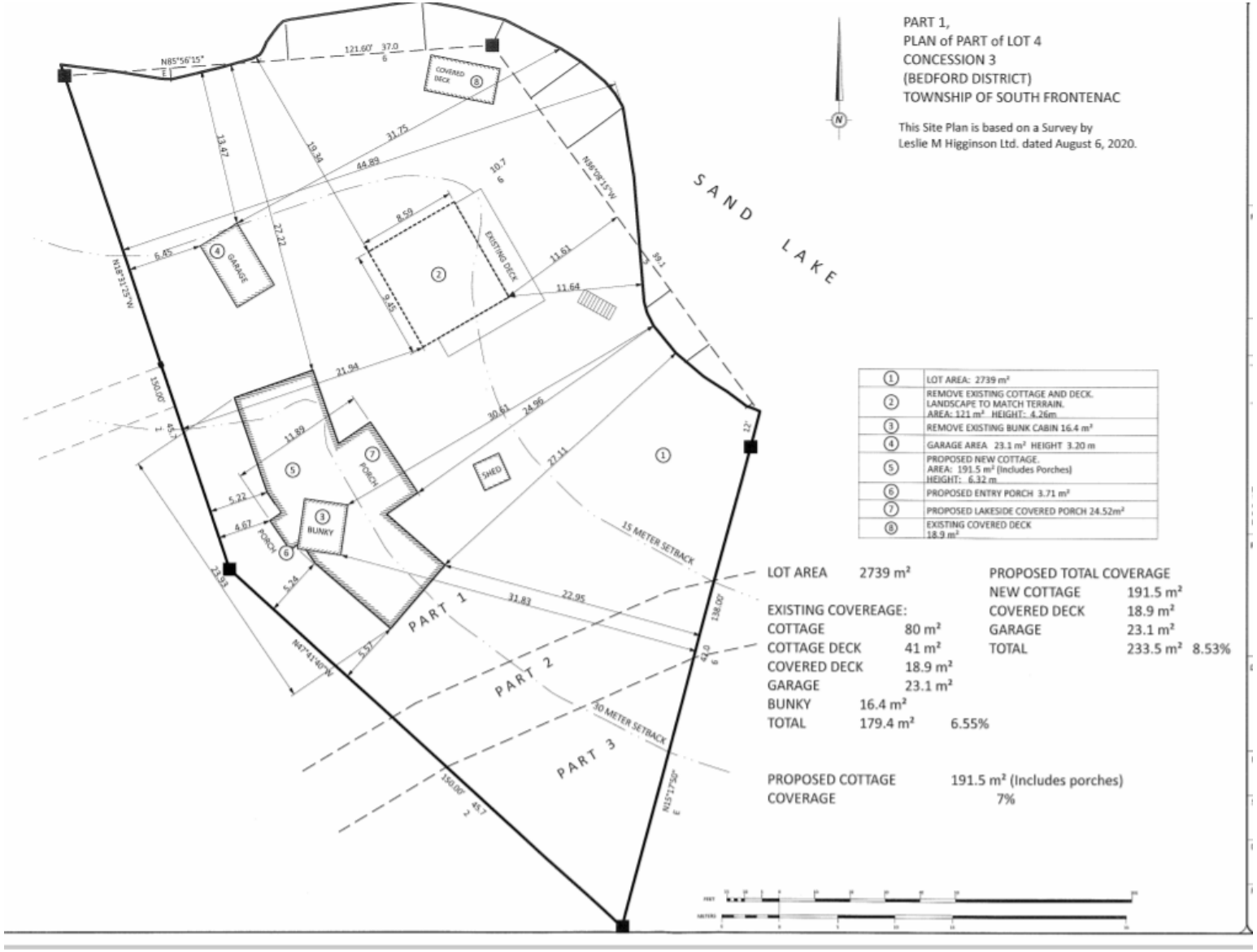
Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney



Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney

Proposal

An application for minor variance has been received to permit a single detached dwelling with attached covered porch within 24.96 metres front yard setback and from the highwater mark, and 4.67 metres from the rear yard. The subject property also requires a variance for lot coverage of 7%.



Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney

Relief Sought

Official Plan Designation: Rural	**Zoning:** RLSW – Limited Service Residential – Waterfront
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with covered porches with a highwater mark setback of 24.96 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback : Highwater Mark and Front yard	**Relief:** To permit a seasonal dwelling with covered porches with a front yard and a highwater mark setback of 24.96 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from front yard and the highwater mark for the principal building. **Relief:** To permit the construction of a new seasonal dwelling with covered porches with a rear yard of 4.67 metres (15 feet) whereas the By-law requires a 10 metres (32.8 feet) rear yard for the principal building. **Relief:** To permit a lot coverage of 7% for the principal building whereas the Zoning By-law permits 5%.

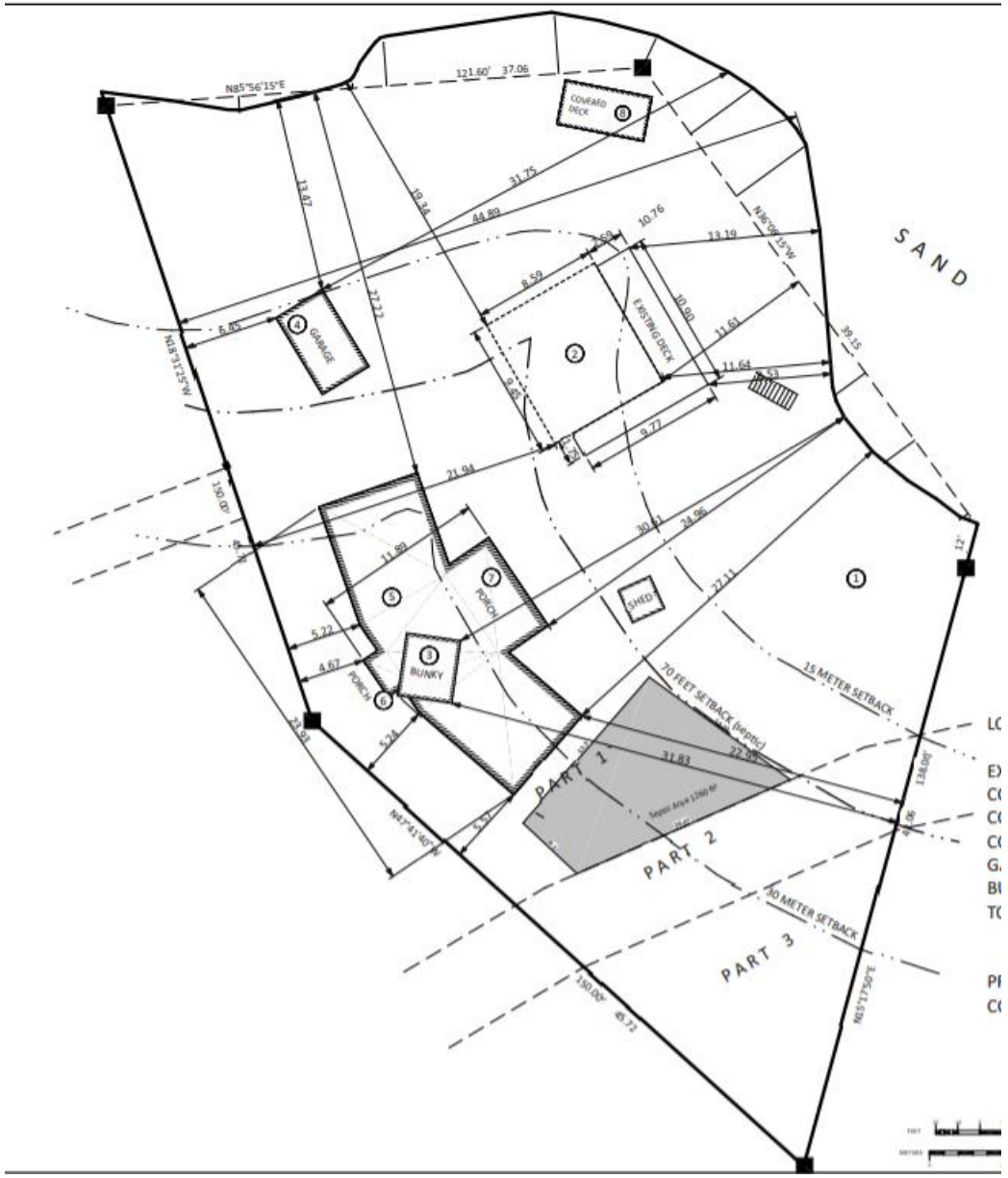
The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney



Proposed location of new cottage

Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney



Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney

Comments:

Public Services – Public Services was not circulated as the subject property is located on a private lane.

Building Department –The Building Department has no objections. A land surveyor will be required to confirm the setbacks as stated in the minor variance decision.

KFL&A Public Health – Comments received from KFL&A Public Health on September 8, 2020, indicate that Public Health Staff require more information on the septic system.

Comments received from KFL&A Public Health on October 7, 2020 state that KFL&A Public Health have no objections.

Cataraqui Conservation – Comments received from Cataraqui Conservation on September 1, 2020, indicate that due to the irregular configuration of the proposed building, the actual size of the structure is unclear from the information provided in the application and it seems to be over lot coverage. Staff recommended deferral to allow the applicant to re-consider the size of the proposed development.

Comments received from Cataraqui Conservation on October 1, 2020, on the revised proposal mirror the previous concerns.

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

Application: MV-28-20-B
Owners: Daniel & Debra Mulrooney
Location of Property: Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, municipally known as 33A Swain Lane, Sand Lake

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-28-20-B, subject to conditions.

Application: MV-28-20-B
Owner: Daniel & Debra Mulrooney

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- Enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township
- A building permit is required for all demolition and construction on the property
- MV-28-20-B is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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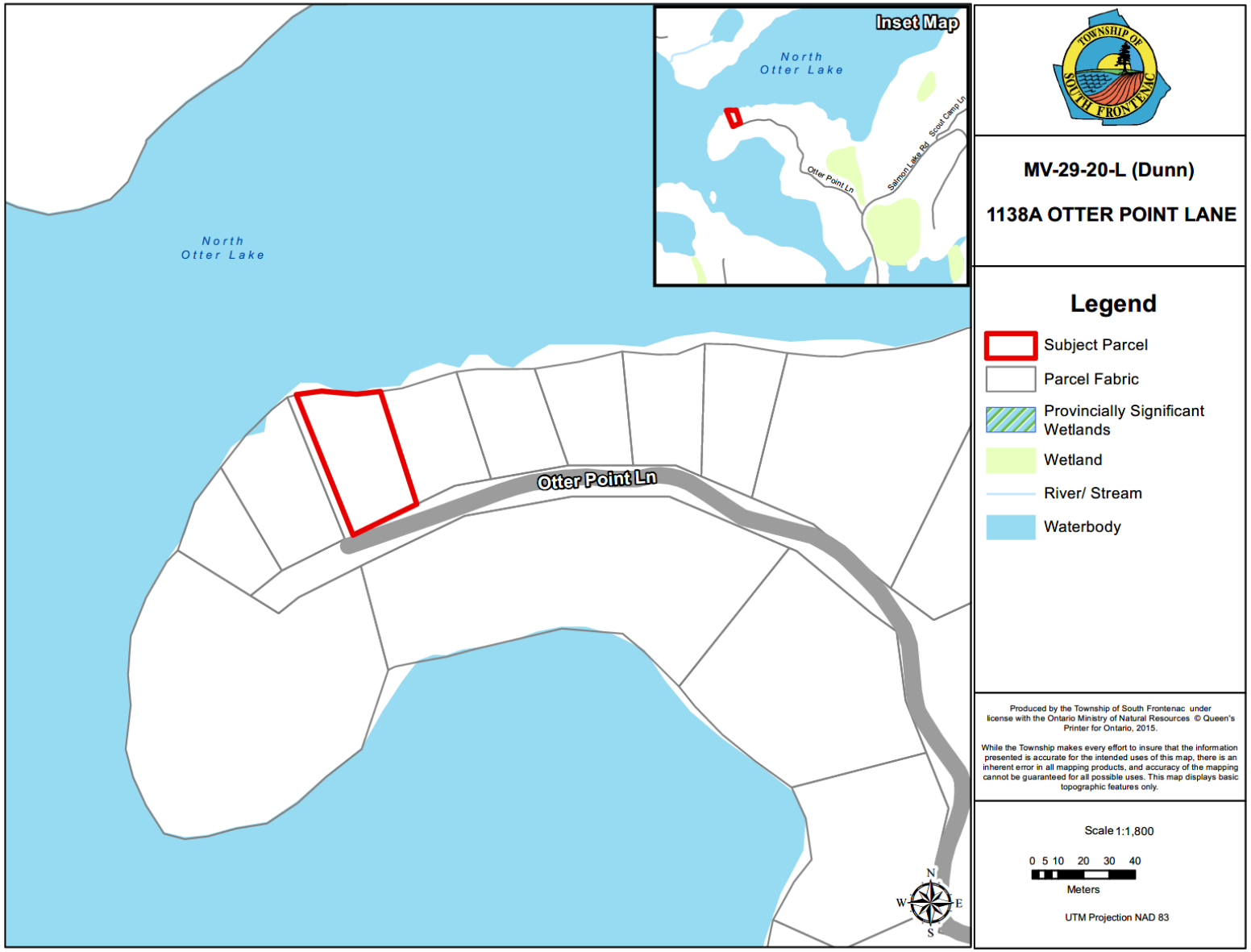
MV-29-20-L
Dunn

Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn
Location of Property: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake

Recommendation:

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-29-20-L, subject to conditions.

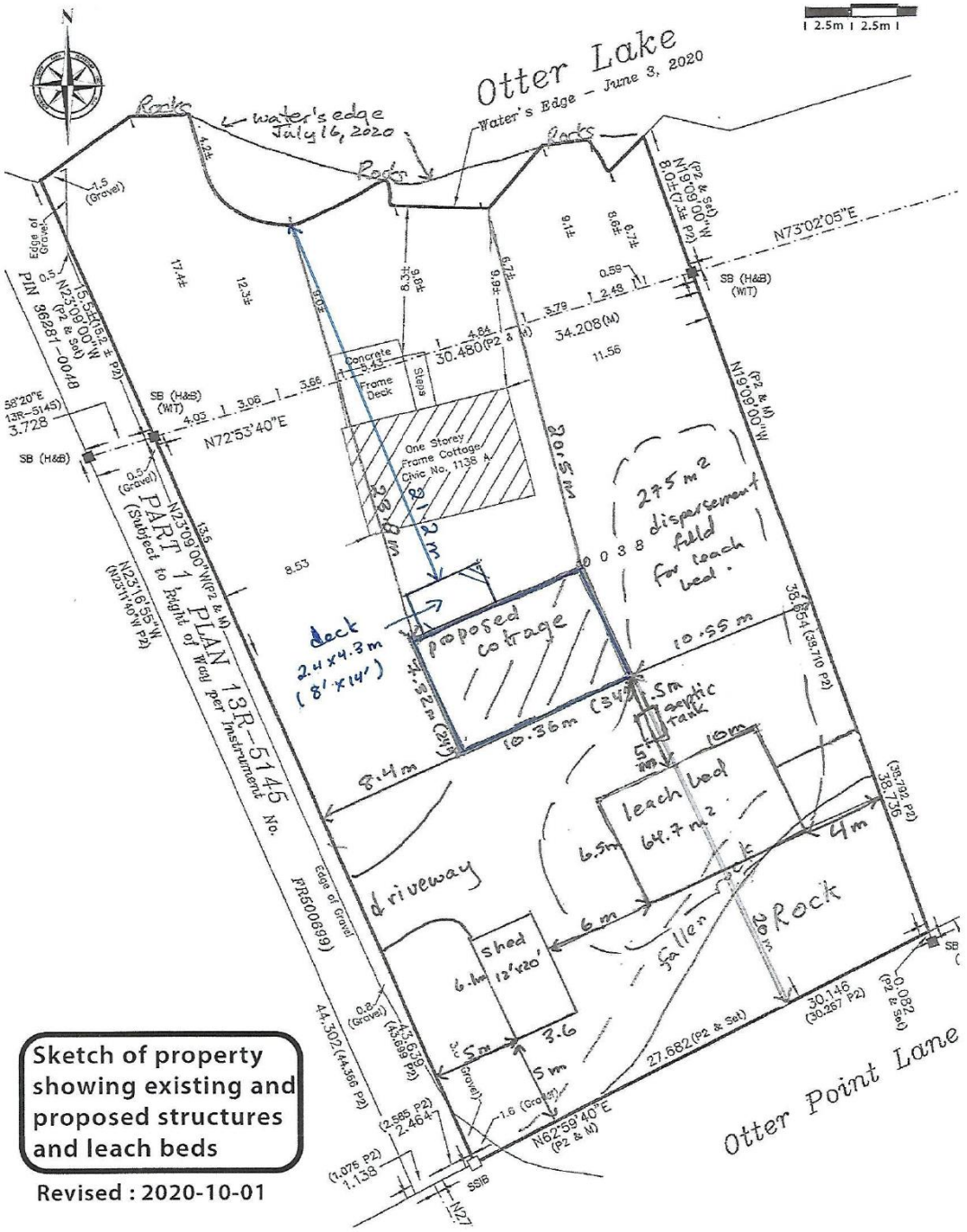
Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn



Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn

Proposal

An application for minor variance has been received to permit a one-storey seasonal dwelling with an attached deck within the required minimum 30 metre setback from the highwater mark of Otter Lake. The proposed cottage is 76 metres^2 (816 feet^2) and would be set back 20.5 metres (67 feet) from the high water mark. The attached deck would be 10.3 metres^2 (112 feet^2) and would be 19.8 metres (65 feet) to the highwater mark at its closest point. The subject property also requires a variance for lot coverage of 5.6% for this dwelling.



Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn

Relief Sought

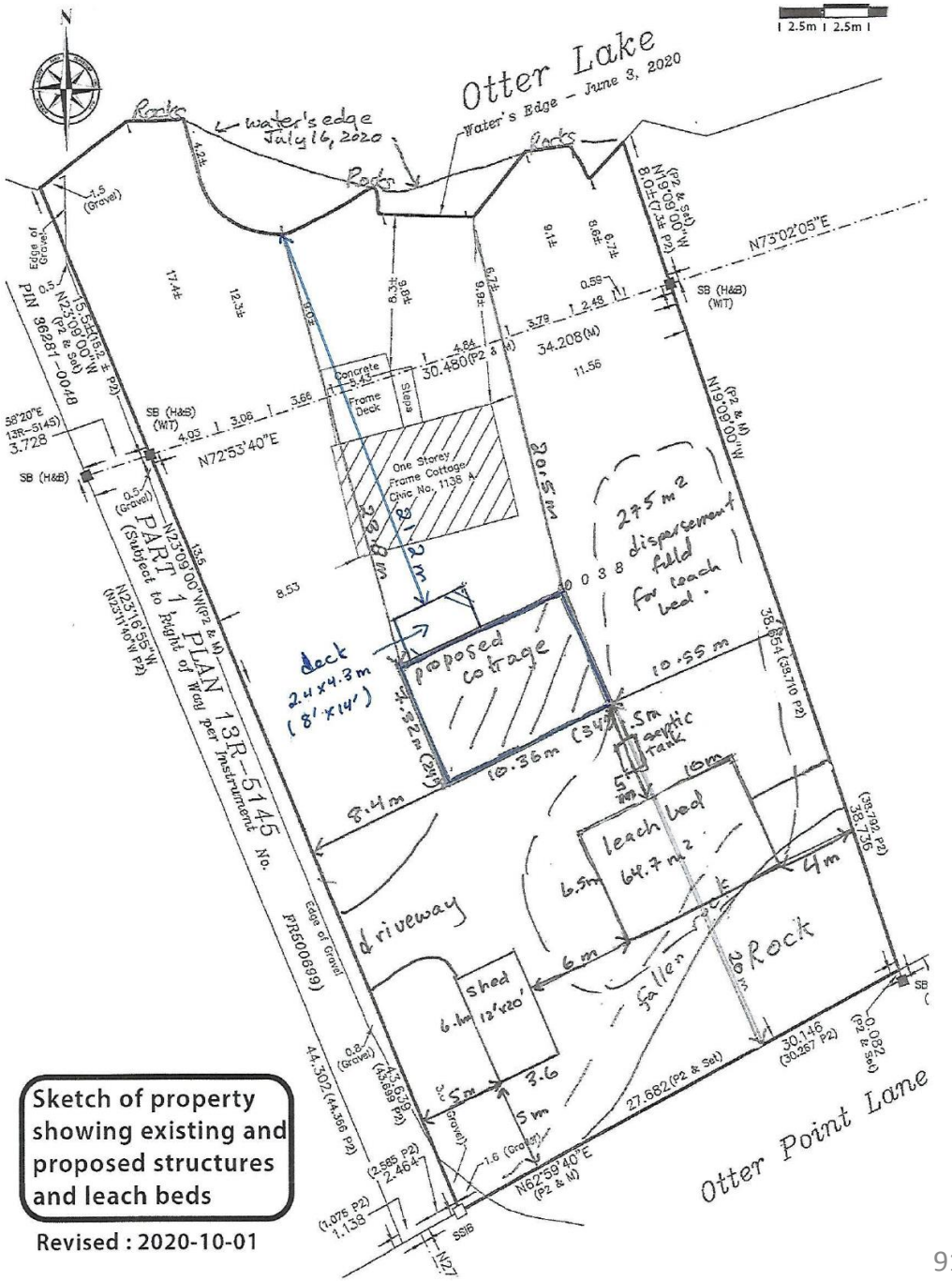
Official Plan Designation:	**Zoning:**
Rural	Limited Service Residential – Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a one-storey seasonal dwelling with an attached deck located 20.5 metres (67 feet) and 19.8 metres (65 feet), respectively, from the highwater mark whereas the By-law requires a minimum 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback and Lot Coverage	**Relief:** To permit a one-storey seasonal dwelling with an attached deck located 20.5 metres (67 feet) and 19.8 metres (65 feet), respectively, from the highwater mark and from the front lot line whereas the By-law requires a minimum 30 metre (98.4 feet) setback from the highwater mark and a minimum 30 metre front yard for the principal building. **Relief**: To permit 5.6% lot coverage for the principal building whereas the By-law allows 5%.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn



View of Dunn Property and location of cottage.



Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn

Comments

- **Public Services –** Public Services was not circulated as the subject property is located on a private lane.

- **KFL&A Public Health** – Comments received from KFL&A Public Health on September 9, 2020, indicate that they have no objections to the proposed minor variance.

- **Cataraqui Conservation –** Comments dated August 31, 2020, received from Cataraqui Conservation indicated that staff had no objections.
  - Revised comments dated October 1, 2020, were received from Cataraqui Conservation regarding lot coverage concerns and indicated that staff propose that the size of the deck be reduced to 12 metre^2 (6mx2m) which would reduce the total footprint to 87.92 metre^2 or 5.8% lot coverage.

- **Public Comments –** At the time of writing the report nine (9) written comments have been received from the public. Six (6) comments expressed concerns and three (3) comments expressed support for the variance.

Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn
Location of Property: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake

Recommendation:

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-29-20-L, subject to conditions.

Application: MV-29-20-L
Owners: Anita Austin Dunn & Keith Dunn

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A building permit must be obtained for all demolition and construction
- The applicant is required to enter into a Development Agreement
- MV-29-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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New Minor Variance Applications

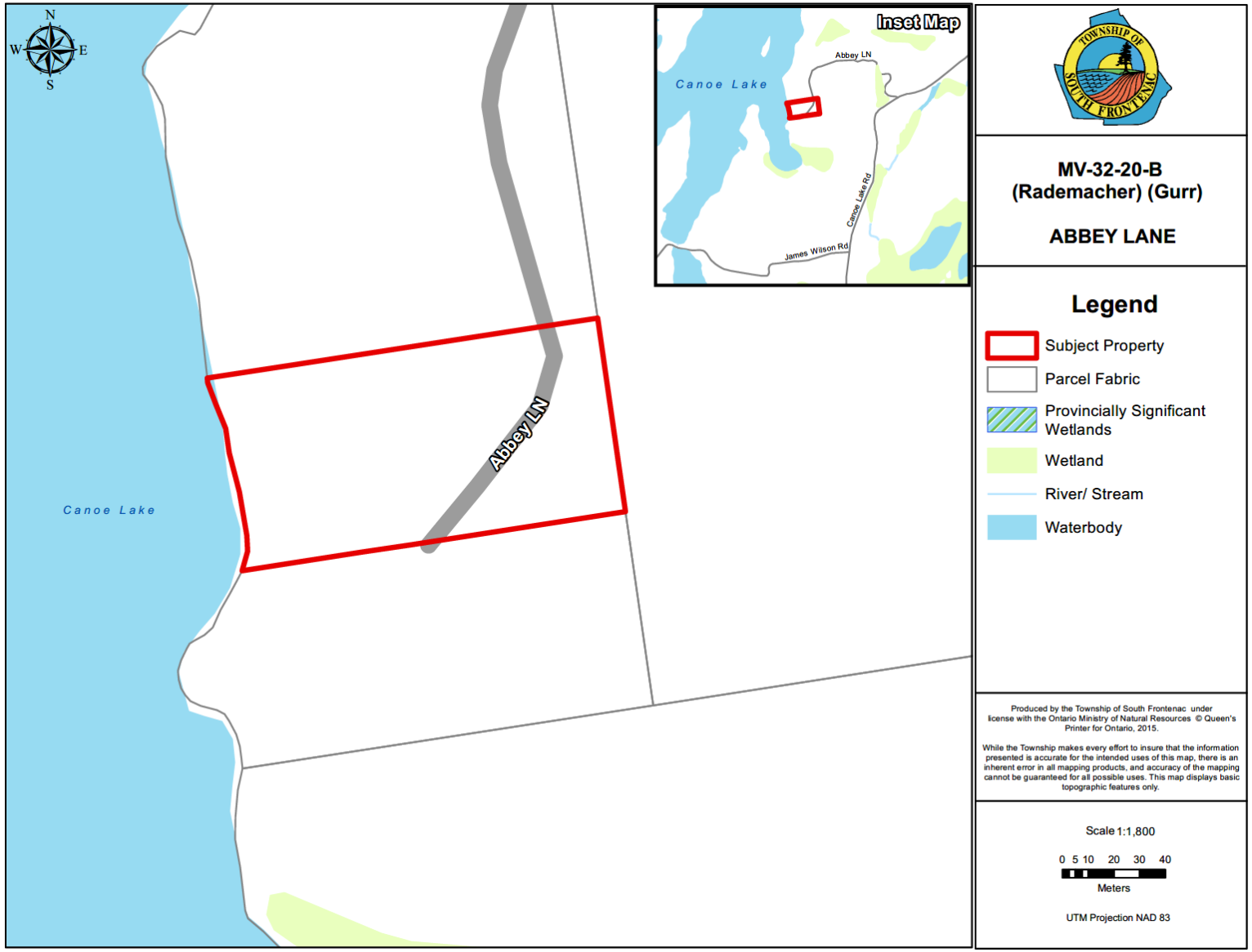
MV-32-20-B
Rademacher

Application: MV-32-20-B
Owners: Paul Rademacher and Sheila Surkow
Location of Property: Part Lot 7, Concession 6, being Parts 3, 4 and 5 on Plan 13R13974, District of Bedford, Township of South Frontenac, municipally known as Abbey Lane

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-32-20-B to provide the applicants time to consider and respond to Cataraqui Conservation comments, and to revise their proposal as may be appropriate.

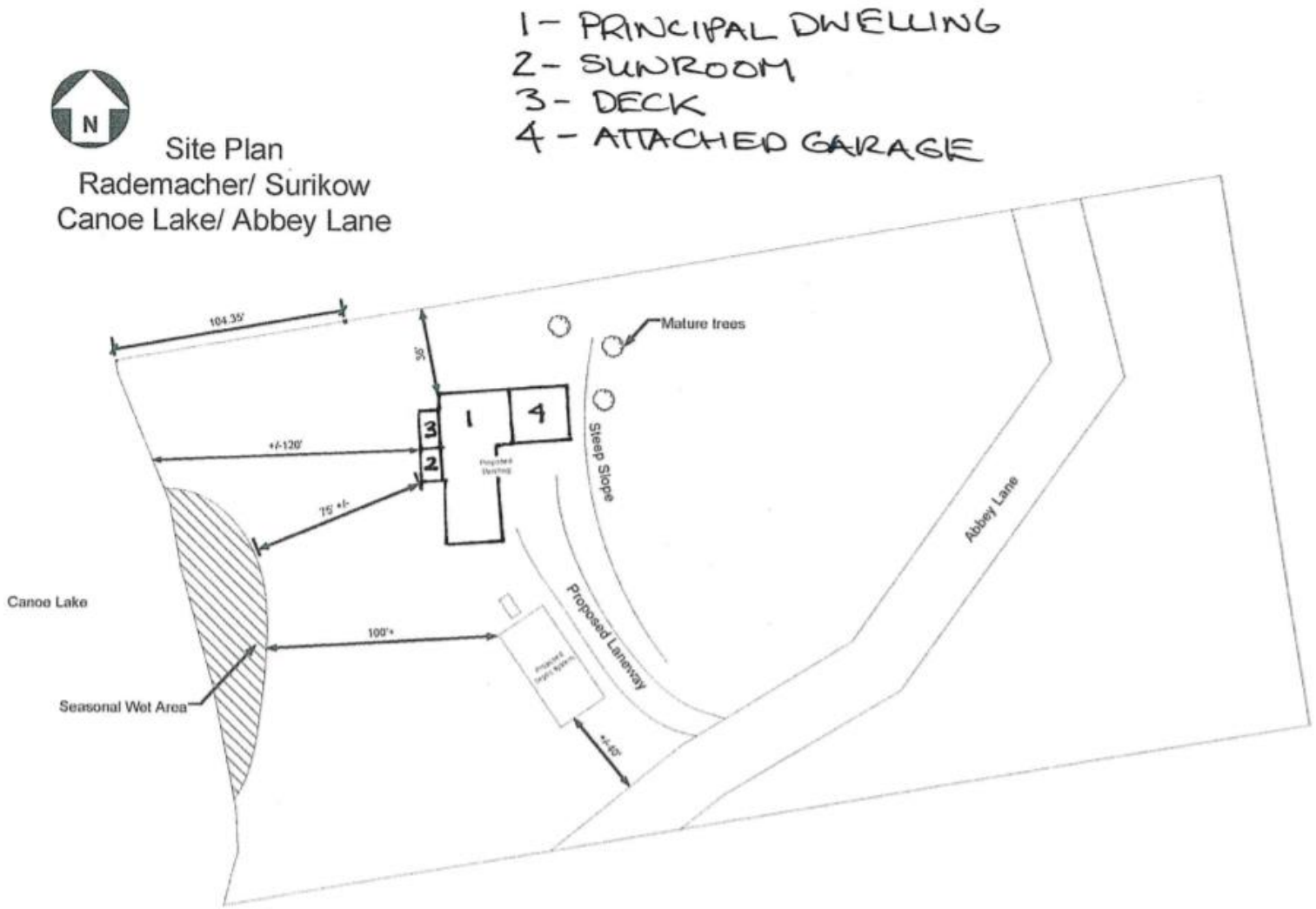
Application: MV-32-20-B
Owners: Paul Rademacher and Sheila Surkow



Application: MV-32-20-B
Owners: Paul Rademacher and Sheila Surkow

Proposal

An application for minor variance has been received, to permit the construction a new single detached dwelling with attached sunroom, attached deck and attached garage within the required highwater mark setback.



Application: MV-32-20-B
Owners: Paul Rademacher and Sheila Surkow



Proposed location of principal dwelling

Application: MV-32-20-B
Owners: Paul Rademacher and Sheila Surkow

Comments

- **Public Services Department** – Public Services was not circulated the application due to its nature.

- **KFL&A Public Health** – Comments received from KFL&A Public Health on September 24, 2020 indicate that staff have no objections.

- **Cataraqui Conservation** – Cataraqui Conservation staff recommended denial of the application. It is the opinion of Cataraqui Conservation staff that the lot is not constrained by the steep slope as suggested in the application, and that there is a reasonable alternative for locating development outside of the 30 metre water setback area.

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

Application: MV-32-20-B
Owners: Paul Rademacher and Sheila Surkow
Location of Property: Part Lot 7, Concession 6, being Parts 3, 4 and 5 on Plan 13R13974, District of Bedford, Township of South Frontenac, municipally known as Abbey Lane

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-32-20-B to provide the applicants time to consider and respond to Cataraqui Conservation comments, and to revise their proposal as may be appropriate.

Questions from Committee Members

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Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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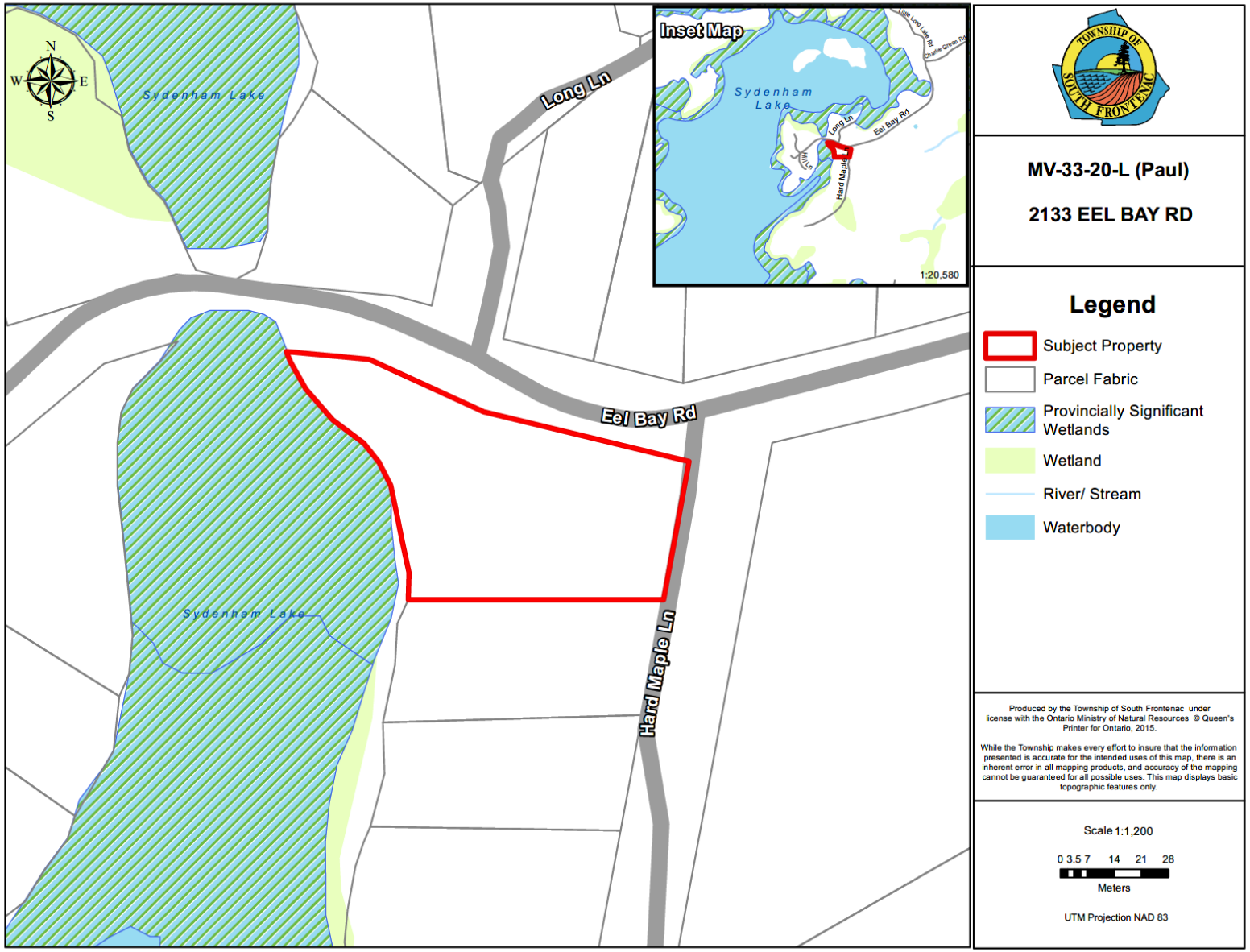
MV-33-20-L
Paul

Application: MV-33-20-L
Owner: Christopher Paul
Location of Property: Part Lot 13, on Plan 1540 Eel Bay, District of Loughborough, Township of South Frontenac, 2133 Eel Bay Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-33-20-L, subject to conditions.

Application: MV-33-20-L
Owner: Christopher Paul

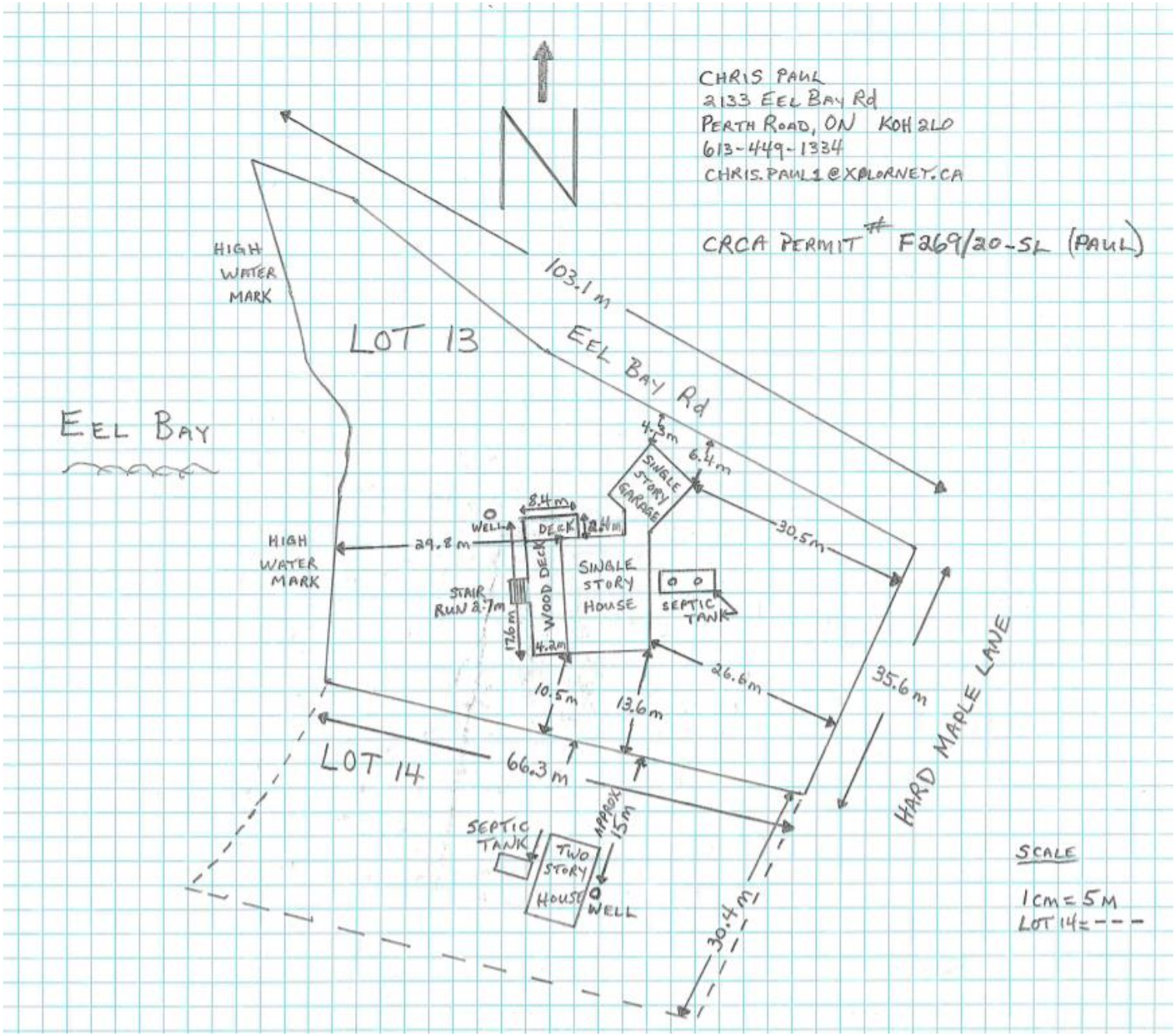


Application: MV-33-20-L
Owner: Christopher Paul

Proposal

- The applicant proposes to construct an attached deck with run of stairs located 25.6 metres and 22.9 metres respectively from the highwater mark of Sydenham Lake.

- The subject property also requires a variance for lot coverage of 8.5%.



Application: MV-33-20-L
Owner: Christopher Paul

Relief Sought

Official Plan Designation: Rural	**Zoning:** RW – Waterfront Residential zone
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a an attached deck with stairs located 25.6 metres (84 feet) and 22.9 metres (75 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark for all buildings and structures.
Section 8.3.1: Lot Coverage and High Water Mark Setback	**Relief:** To allow 8.5% lot coverage on the property, whereas the Zoning By-Law allows a maximum of 5%. **Relief:** To permit the construction of a an attached deck with stairs located 25.6 metres (84 feet) and 22.9 metres (75 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark for the principal building.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-33-20-L
Owner: Christopher Paul



Proposed location of deck

Application: MV-33-20-L
Owner: Christopher Paul

Comments

- **Public Services Department** – Public Services was not circulated due to the nature of the proposed development.

- **Building Department** – The Building Department has no objections.

- **KFL&A Public Health** – Comments received from KFL&A Public Health on September 25, 2020 indicate that KFL&A staff have no objections to the proposed minor variance.

- **Cataraqui Conservation** – Comments received from Cataraqui Conservation staff on September 29, 2020 indicate staff have no objections.

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

Application: MV-33-20-L
Owner: Christopher Paul
Location of Property: Part Lot 13, on Plan 1540 Eel Bay, District of Loughborough, Township of South Frontenac, 2133 Eel Bay Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-33-20-L, subject to conditions.

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A building permit is required for all construction and demolition on the property
- MV-33-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from the Public

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Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

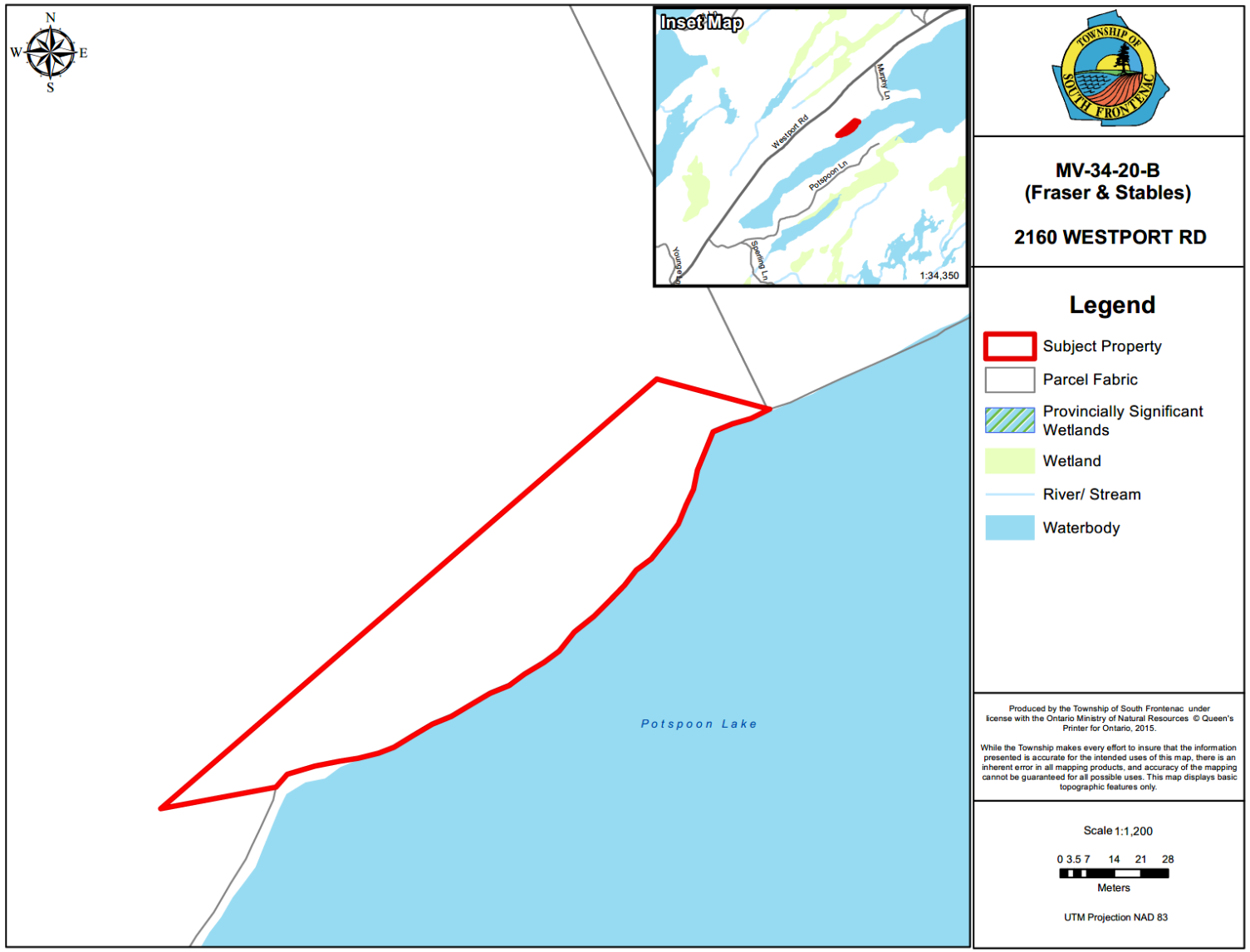
MV-34-20-B
Fraser

Application: MV-34-20-B
Owner: John Fraser
Location of Property: Part Lot 12, Concession 4, District of Bedford, Township of South Frontenac, 2160 Westport Road, Potspoon Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-34-20-B, subject to conditions.

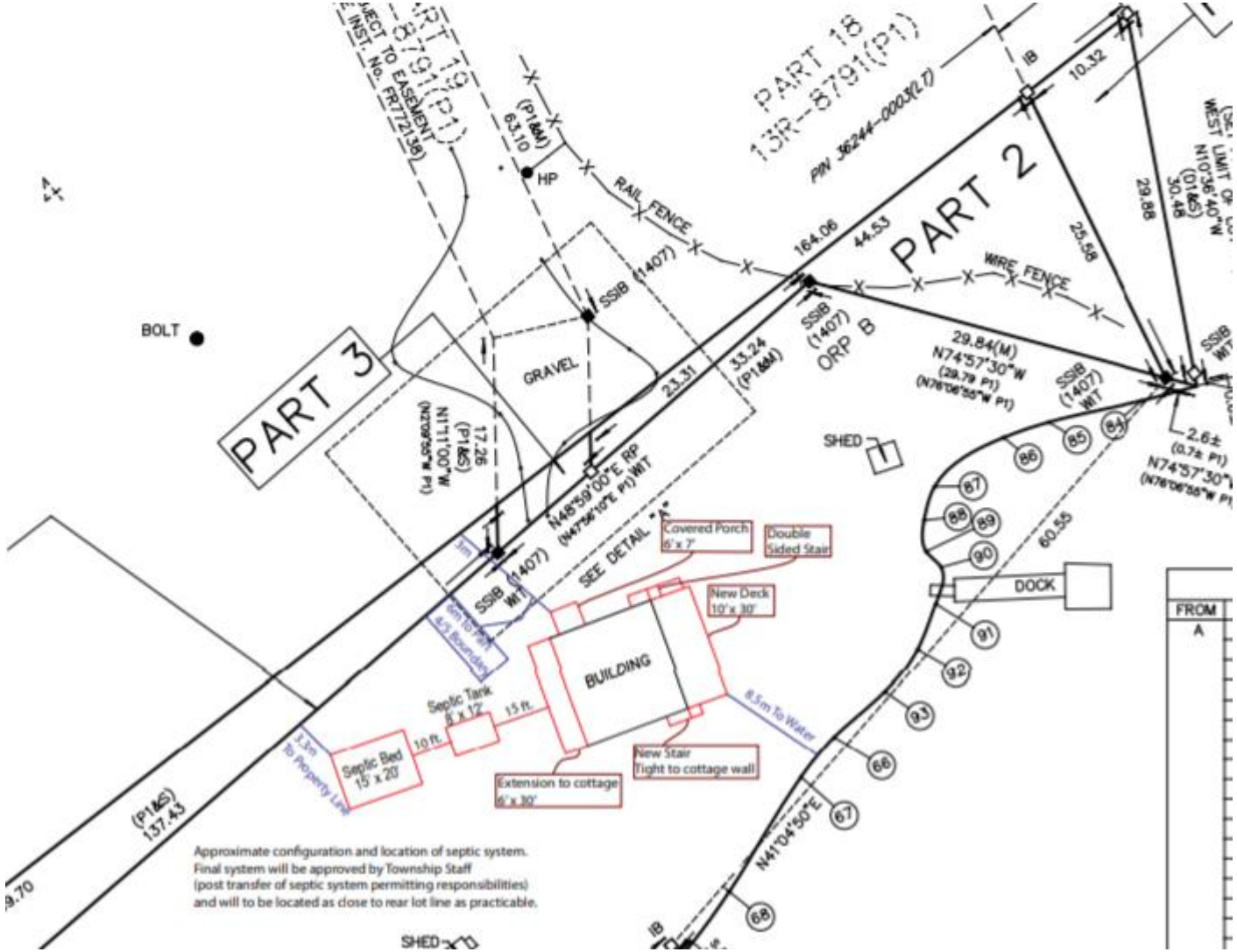
Application: MV-34-20-B
Owner: John Fraser



Application: MV-34-20-B
Owner: John Fraser

Proposal

To permit the construction of a new seasonal dwelling with attached covered porch and attached deck in the same general footprint as the current existing cottage.



Application: MV-34-20-B
Owner: John Fraser

Relief Sought

Official Plan Designation:	**Zoning:**
Rural	Limited Service Residential –Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a single-detached dwelling and attached deck with a highwater mark setback of 11 metres (36 feet) and 8.5 metres (28 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Highwater Mark, Front Yard and Rear Yard	**Relief:** To permit a single-detached dwelling and attached deck with a highwater mark setback and front yard of 11 metres (36 feet) and 8.5 metres (28 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark and front yard for the principal building. **Relief:** To permit a single detached seasonal dwelling and attached deck with a rear yard of 6 metres (20 feet) and 9.5 metres (31 feet) respectively, whereas the By-law requires 10 metres (32.8) feet for the principal building.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-34-20-B
Owner: John Fraser

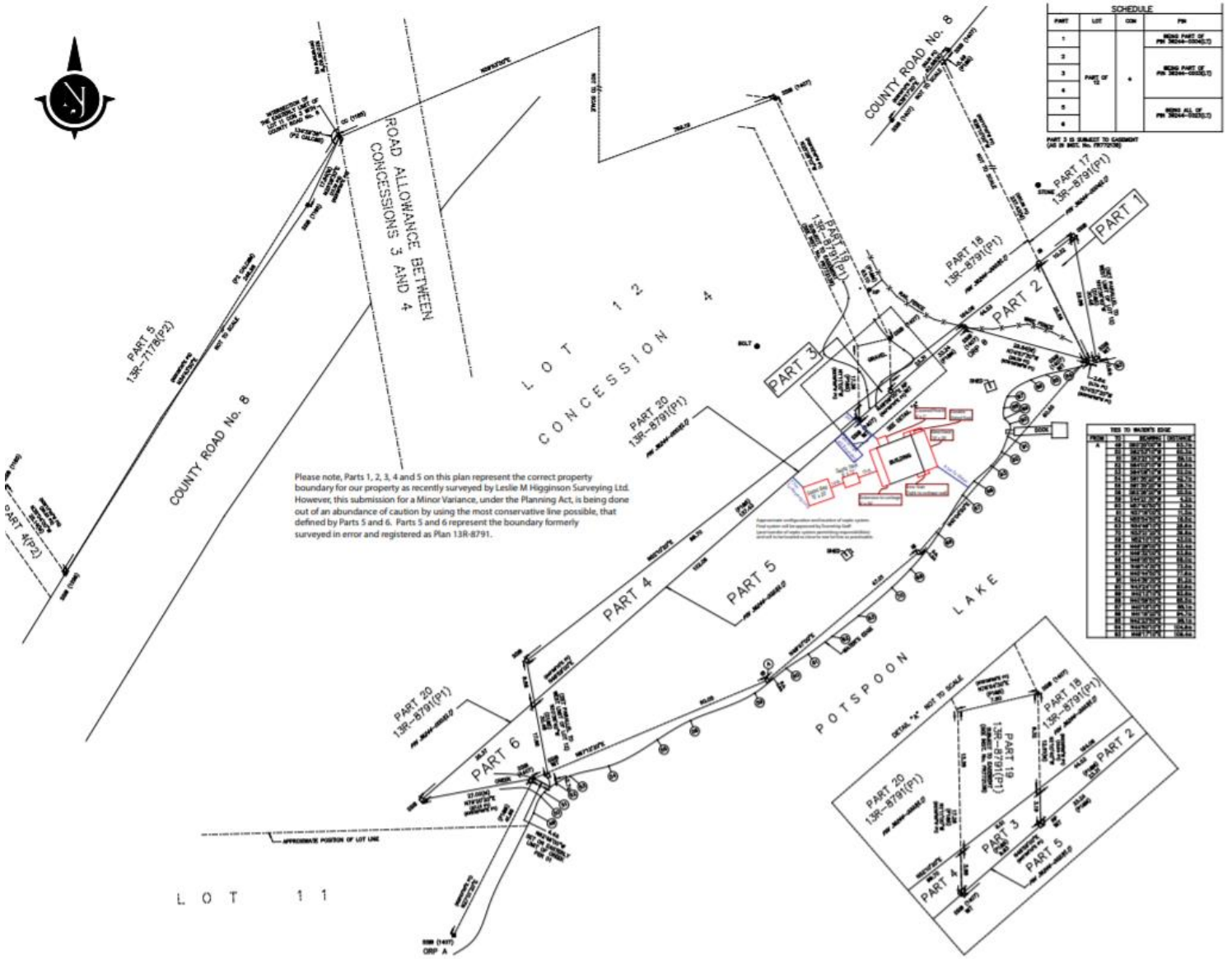


Application: MV-34-20-B
Owner: John Fraser





Application: MV-34-20-B
Owner: John Fraser



Application: MV-34-20-B
Owner: John Fraser

Comments

- **Public Services Department** – Public Services was not required to be circulated.
- **KFL&A Public Health** – Comments received from Public Health on September 24, 2020 indicate that staff have no objections to the proposed minor variance.
- **Quinte Conservation** – Comments received from Quinte Conservation on September 30, 2020 indicate that staff have no objection to the application as presented.
- **Ministry of Environment, Conservation and Parks** – Comments received from MECP on October 1, 2020, indicate that staff have no objection to the proposed development. Staff note that there are limited spatial options provided by the lot and there is limited expansion proposed to the existing dwelling.
- **Public Comments** – No written comments have been received from the public to date.

Application: MV-34-20-B
Owner: John Fraser
Location of Property: Part Lot 12, Concession 4, District of Bedford, Township of South Frontenac, 2160 Westport Road, Potspoon Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-34-20-B, subject to conditions.

Application: MV-34-20-B
Owner: John Fraser

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A site plan agreement will be required to be registered on title
- A building permit is required for all construction and demolition on the property
- MV-34-20-B is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from the Public

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Resolution & Voting

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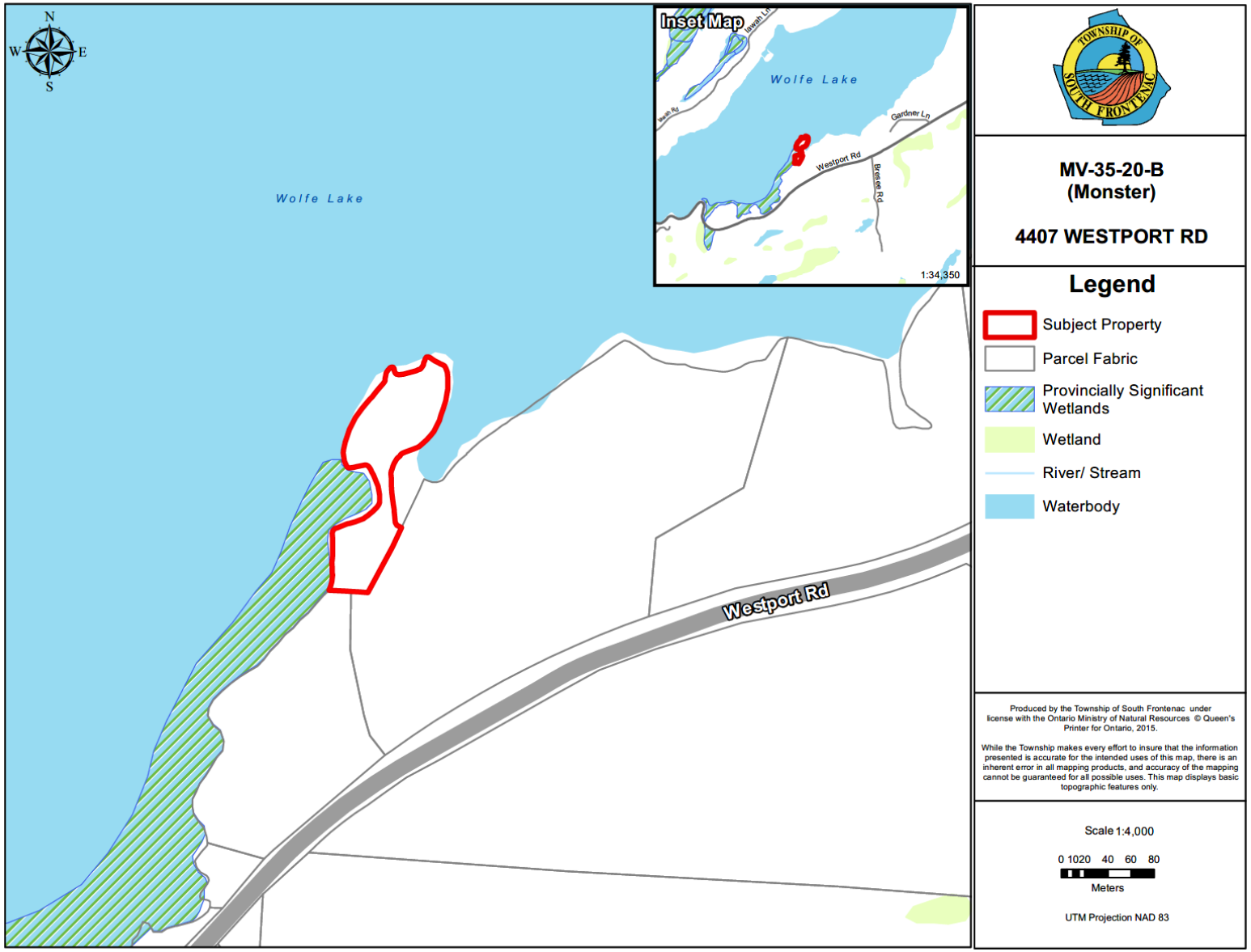
MV-35-20-B
Monster

Application: MV-35-20-B
Owners: Jefta and Caitlin Monster
Location of Property: Part Lot 20, Concession 10, being Part 1 on Plan 13R5679, District of Bedford, Township of South Frontenac, 4407 Westport Road, Wolfe Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-35-20-B, subject to conditions.

Application: MV-35-20-B
Owners: Jefta and Caitlin Monster



Application: MV-35-20-B
Owners: Jefta and Caitlin Monster

Proposal

- An application for minor variance has been received, to permit the construction a new single detached dwelling with attached covered porch within the required highwater mark setback.



Application: MV-35-20-B
Owners: Jefta and Caitlin Monster

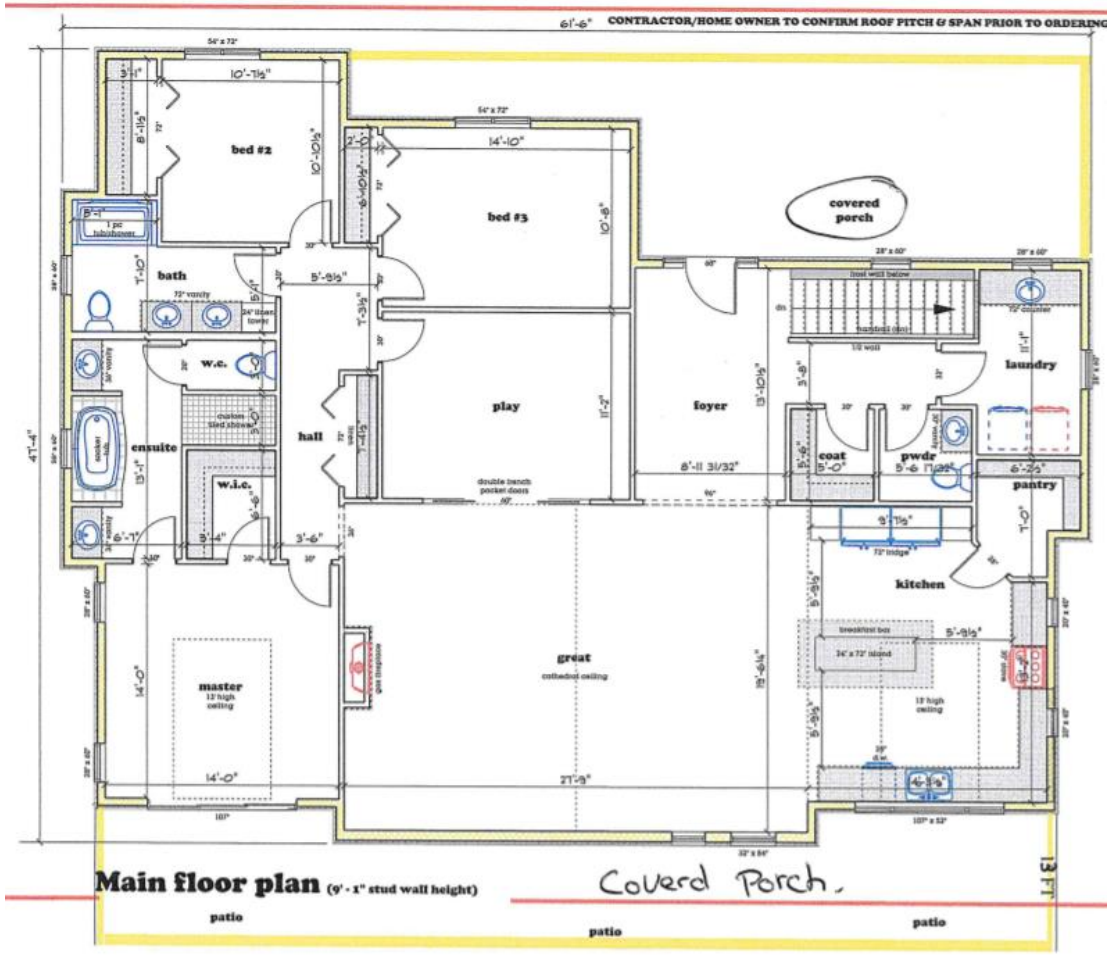
Relief Sought

Official Plan Designation:	**Zoning:**
Rural and Provincially Significant Wetland	Limited Service Residential –Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a new single-detached dwelling with covered porch with a highwater mark setback of 18 metres (59.2 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback : Highwater Mark and Front yard	**Relief:** To permit the construction of a new single-detached dwelling with covered porch with a highwater mark setback and front yard setback of 18 metres (59.2 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for the principal building.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-35-20-B
Owners: Jefta and Caitlin Monster





Application: MV-35-20-B
Owners: Jefta and Caitlin Monster

Comments

- **Public Services Department –** Public Services has no concerns regarding the application.

- **KFL&A Public Health –** Comments received from KFL&A Public Health on September 29, 2020, indicate KFL&A Public Health has no objections.

- **Rideau Valley Conservation Authority –** Comments received from Rideau Valley Conservation Authority staff on October 2, 2020 indicate that their office has no objection to this application. RVCA staff recommend several conditions to implement through the Committee of Adjustment decision or through an agreement. These conditions relate to managing surface and roof water runoff, installing sediment and erosion control measures, requiring an existing vegetation plan, and providing notice of RVCA regulatory requirements.

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

Application: MV-35-20-B
Owners: Jefta and Caitlin Monster
Location of Property: Part Lot 20, Concession 10, being Part 1 on Plan 13R5679, District of Bedford, Township of South Frontenac, 4407 Westport Road, Wolfe Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-35-20-B, subject to conditions.

Application: MV-35-20-B
Owner: Jefta and Caitlin Monster

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A building permit is required for all construction and demolition on the property
- The applicant is required to enter into a Development Agreement
- MV-35-20-B is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from the Public

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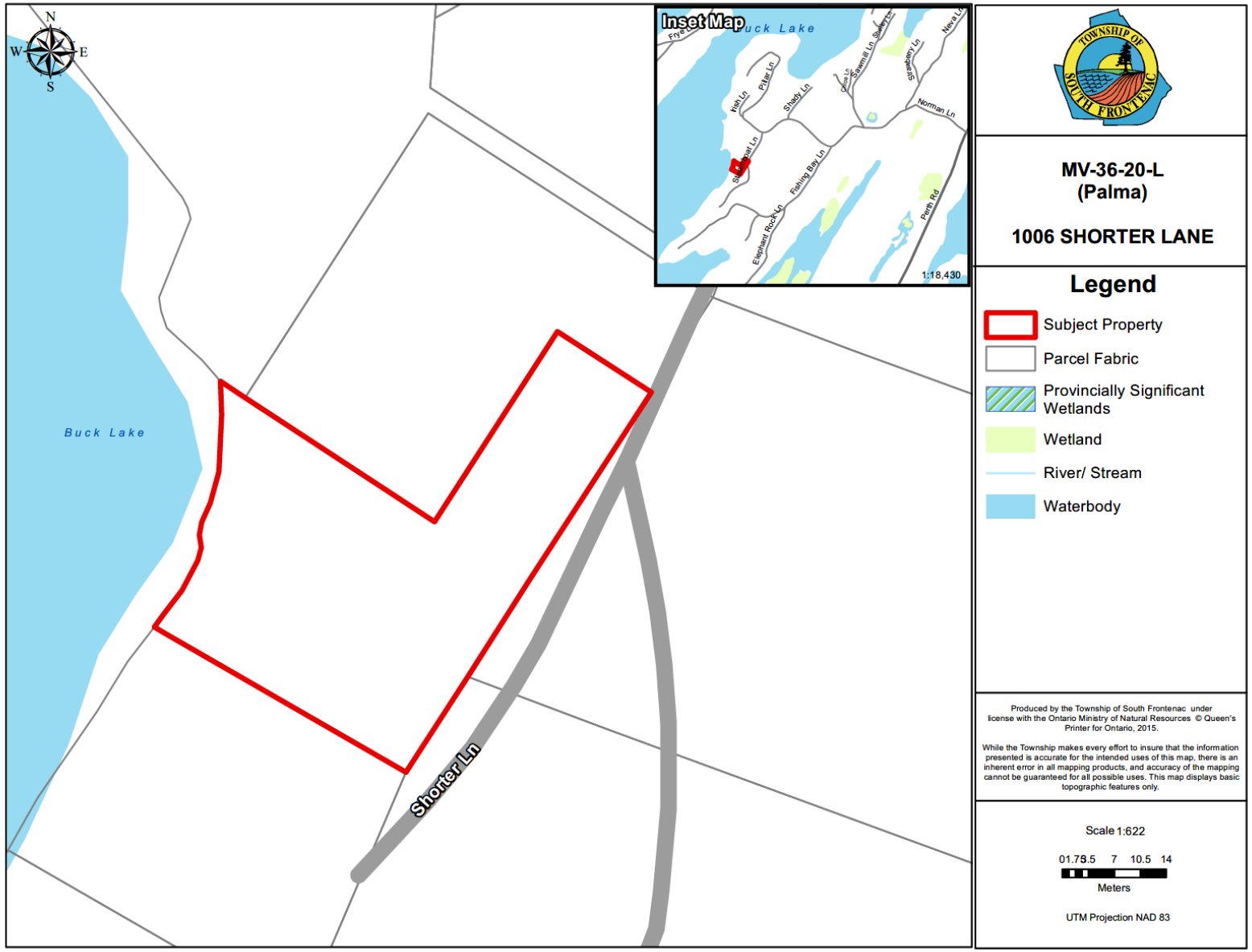
MV-36-20-L
Palma

Application: MV-36-20-L
Owners: Joan and Leo Palma
Location of Property: Part Lot 24, Concession 14, being Parts 1 & 3 on Plan 13R16931, District of Loughborough, Township of South Frontenac, 1006 Shorter Lane

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-36-20-L, subject to conditions.

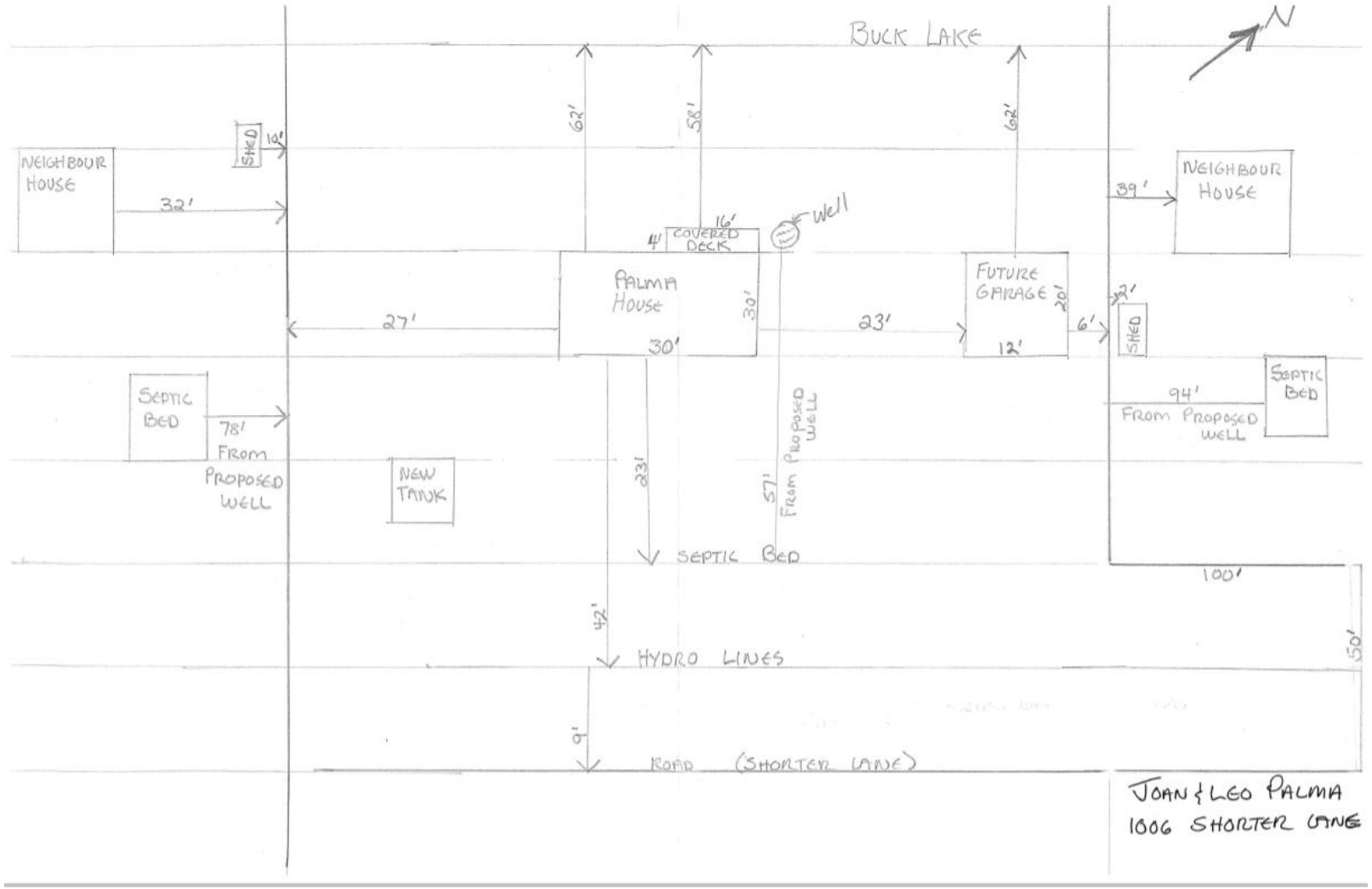
Application: MV-36-20-L
Owners: Joan and Leo Palma



Application: MV-36-20-L
Owners: Joan and Leo Palma

Proposal

An application for minor variance has been received to permit the construction of a single detached dwelling with attached covered deck and a detached garage within the required highwater mark setback.



Application: MV-36-20-L
Owners: Joan and Leo Palma

Relief Sought

Official Plan Designation: Rural	**Zoning:** Limited Service Residential Waterfront Zone (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit construction of a single detached dwelling and waterfront deck with a highwater mark setback of 18.9 metres (62 feet) and 17.7 metres (58 feet) respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. **Relief:** To permit the construction of an accessory building (detached garage) with a highwater mark setback of 18.9 metres (62 feet), whereas the By-law requires a 30 m (98.4 foot) setback from the high water mark for all buildings and structures.
Section 10.3.1: RLSW Zone – Principal Building : Highwater Mark and Front Yard	**Relief:** To permit construction of a single detached dwelling and attached covered deck with a front yard and highwater mark setback of 18.9 metres (62 feet) and 17.7 metres (58 feet) respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the front yard and from the highwater mark for the principal building.
Section 10.3.2: RLSW Zone - Accessory Buildings : Highwater Mark and Interior Side Yard	**Relief:** To permit the construction of an accessory building (detached garage) with a highwater mark setback of 18.9 metres (62 feet), whereas the By-law requires a 30 m (98.4 foot) setback from the high water mark for accessory buildings and structures. **Relief:** To permit the construction of an accessory building (detached garage) with an interior side yard setback of 1.8 metres (6 feet) whereas the Zoning By-law requires 3 meters (9.8 feet).

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-36-20-L
Owners: Joan and Leo Palma



Side view of the Cottage and Garage



Rear view of the Cottage

Application: MV-36-20-L
Owners: Joan and Leo Palma

Comments

- **Public Services Department** – Public Services was not circulated the application due to its nature.

- **KFL&A Public Health** – Comments received from KFL&A Public Health on September 25, 2020 indicate that they have no objections to the proposed minor variance.

- **Ministry of Environment, Conservation and Parks** – Comments received from the Ministry of Environment, Conservation and Parks on October 1, 2020 indicate that staff have no concerns regarding the minor variance application.

- **Cataraqui Conservation** – Comments received from Cataraqui Conservation staff on September 30, 2020 note that staff have no objections.

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

Application: MV-36-20-L
Owner: Joan and Leo Palma
Location of Property: Part Lot 24, Concession 14, being Parts 1 & 3 on Plan 13R16931, District of Loughborough, Township of South Frontenac, 1006 Shorter Lane.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-27-20-L, subject to conditions.

Application: MV-36-20-L
Owner: Joan and Leo Palma

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A site plan agreement will be required to be registered on title
- A building permit is required for all construction and demolition on the property
- MV-36-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

Questions from Committee Members

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Comments from the Applicant and/or the Agent

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Resolution & Voting

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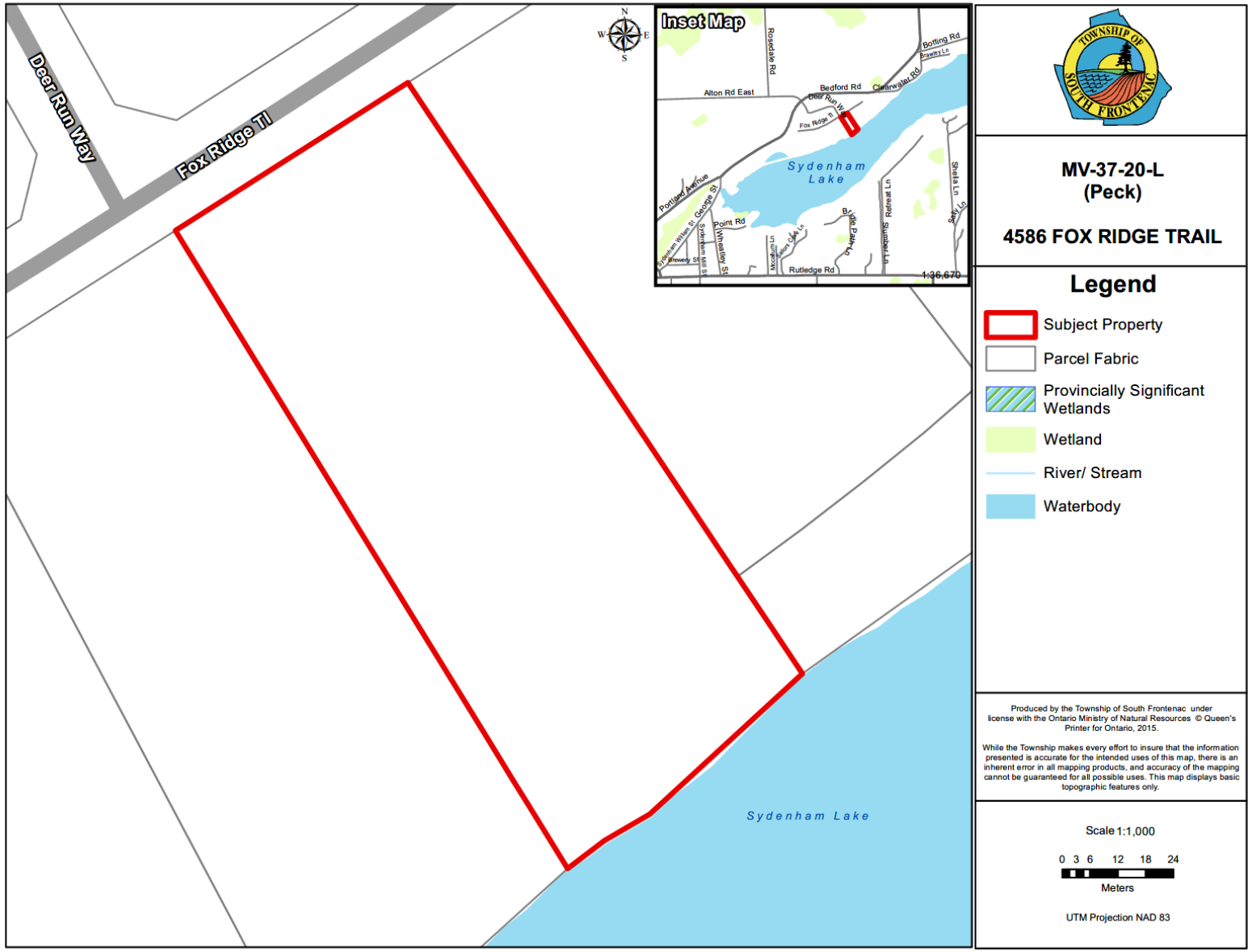
MV-37-20-L
Peck

Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter
Location of Property: Part Lot 5, on Plan 1986, being Parts 22 to 24 on Plan 13R14914, District of Loughborough, Township of South Frontenac, 4586 Fox Ridge Trail

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-37-20-L, subject to conditions.

Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter



Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter

Proposal

An application for minor variance has been submitted to permit the construction of an attached garage, situated at 1.5 metres (5 feet) from the side lot line



Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter

Relief Sought

Official Plan Designation: Rural	**Zoning:** Residential (R)
Zoning Relief Requested:	
Section 12.3.1 : Residential Zone	**Relief:** To permit the construction of an addition to the principal building (attached garage) with a setback of 1.5 metres (5 feet) from the interior side lot line, whereas the Zoning By-law requires a minimum of 6 metres (19.7 feet) from the interior side yard.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter



Proposed Location of Garage

Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter

Comments

- **Public Services Department –** Not circulated because the property is located on a lane.
- **KFL&A Public Health –** Comments received from KFL&A Public Health on September 24, 2020 indicate that they have no objections to the minor variance.
- **Cataraqui Conservation –** Given the location and nature of the proposed development, Cataraqui Conservation was not circulated.
- **Public Comments –** One written comment has been received from the public to date.

Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter
Location of Property: Part Lot 5, on Plan 1986, being Parts 22 to 24 on Plan 13R14914, District of Loughborough, Township of South Frontenac, 4586 Fox Ridge Trail.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-37-20-L, subject to conditions.

Application: MV-37-20-L
Owners: Jeff Peck and Stephanie Baxter

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A building permit is required for all construction on the property
- A letter from the applicant to the Township Planning Department confirming the abandonment of the minor variance obtained for a garage through application MV-36-19-L
- MV-37-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

Other Business

1. Consents approved by Consent Granting Authority
2. Virtual meeting check-in with Members

Virtual Check-in

Township of South Frontenac Committee of Adjustment Meeting

Conclusion/Adjournment

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

Date Received: Dec. 13/19 File No: S-32-19-P

1. Name of Owner(s): Reginald Taylor

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: 5 Lot Number: 11

Street Number: _____ Name of Road/Street: Bradford

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

Roll Number: 080-070-01900-0000

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): 0 Frontage (on road/lane): 250'

Depth: 320' Area: ~~50 acres~~ 48.97

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.

Creation of 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'	Frontage On Road	452-8'
Frontage On Water	0	Frontage On Water	0
Depth	~~320'~~ 272.15'	Depth	2,250' +or-
Area	approx 2 acres	Area	appro 46.97.

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

	Existing Uses	Proposed Uses
New Lot:	~~Tree~~ ~~House~~ Vacant	Residencial House
Retained:	~~49 acres~~ Vacant	Vacant

	Structures Existing	Structures Proposed
New Lot:	NO	Bld 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	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:		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:	HAY FIELD	new dwelling
Retained:	HAY FIELD / wooded area	HAY FIED / wooded area

	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***):

not known

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

none

9. Name of road or lane which accesses:

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

The retained lot: Bradford 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 Drilled Well Retained Lot: N.A.

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

New Lot: Private Septic System Retained Lot: NA

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

? ~~Residential~~ RU + EP

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 #: ? Mar 29/85 (b) The decision on the application: approved

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

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:



Pg 7 16 A



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, Map data ©2019 20 m

Measure distance

Total [redacted] (69,895.00 ft²)

Total distance [redacted] (1,199.16 ft)

Proposed LOT
Frontage 250'
Depth 320'
approx area
2 acres

https://www.google.com/maps/@44.4134226,-76.70256,144m/data=!3m1!1e3

Pg 7
16 B



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, Map data ©2019 20 m

Measure distance
Total area: 7,459.73 m² (80,295.90 ft²)
Total distance: 347.22 m (1,139.16 ft)

Pg 7 16C

FRONTENAC FIND YOURSELF #INFRONTENAC

Search...

Getting Around | Identify | Measure | Drawing | Coordinates | Printing & Exporting | Tool Labels

Pan | Zoom In | Zoom Out | Initial View | Previous Extent | Next Extent | Bookmarks

Navigation

a Barn is located approximately 800' across Rd

102908007001900

I want to...

Tools

Description

CON 5 PT LOT 11

Details

FID
19291

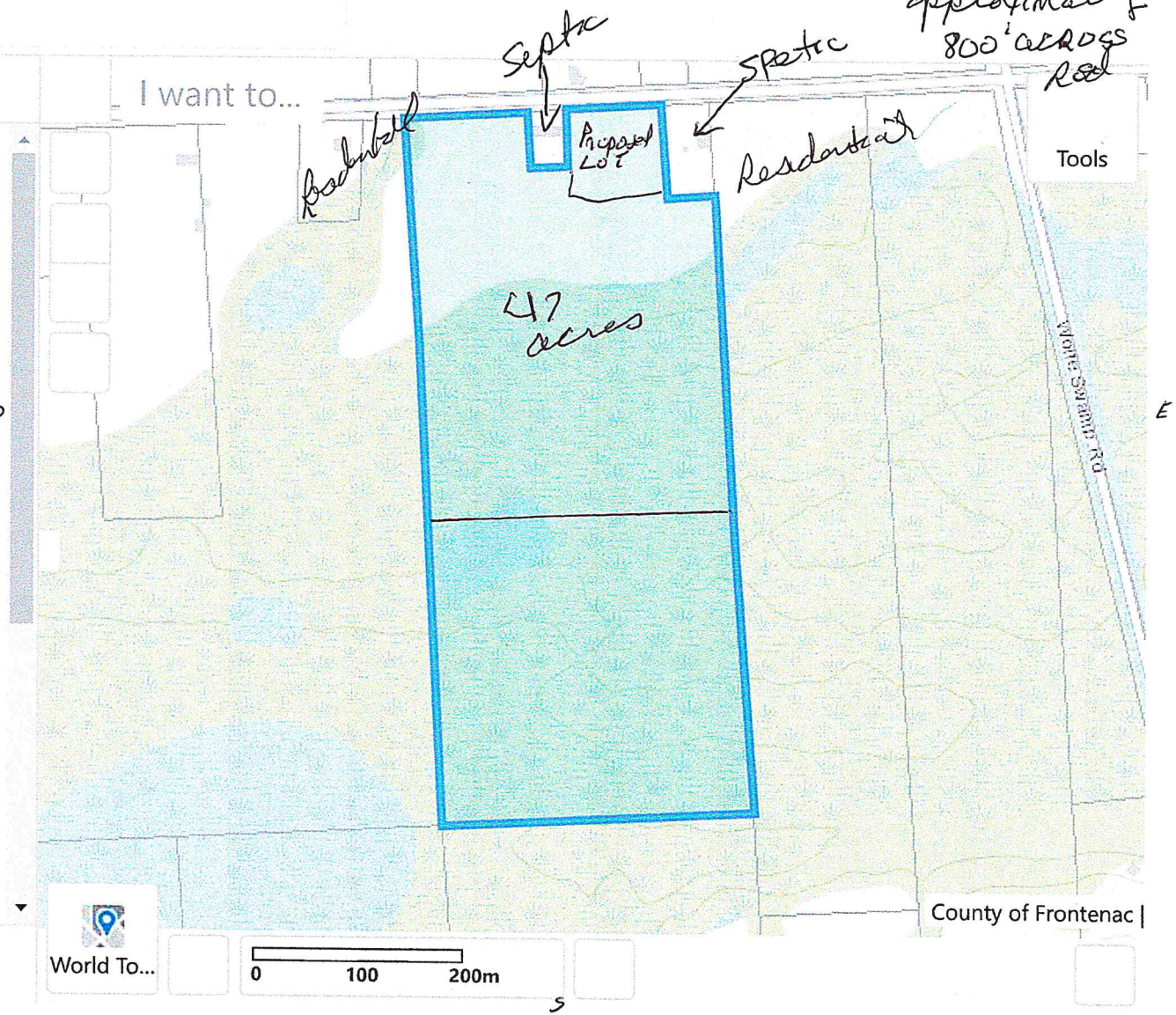
Shape
N/A

ARN
102908007001900

Shape_Length
2088.6561

Shape_Area
199460.4308

Location
CON 5 PT LOT 11

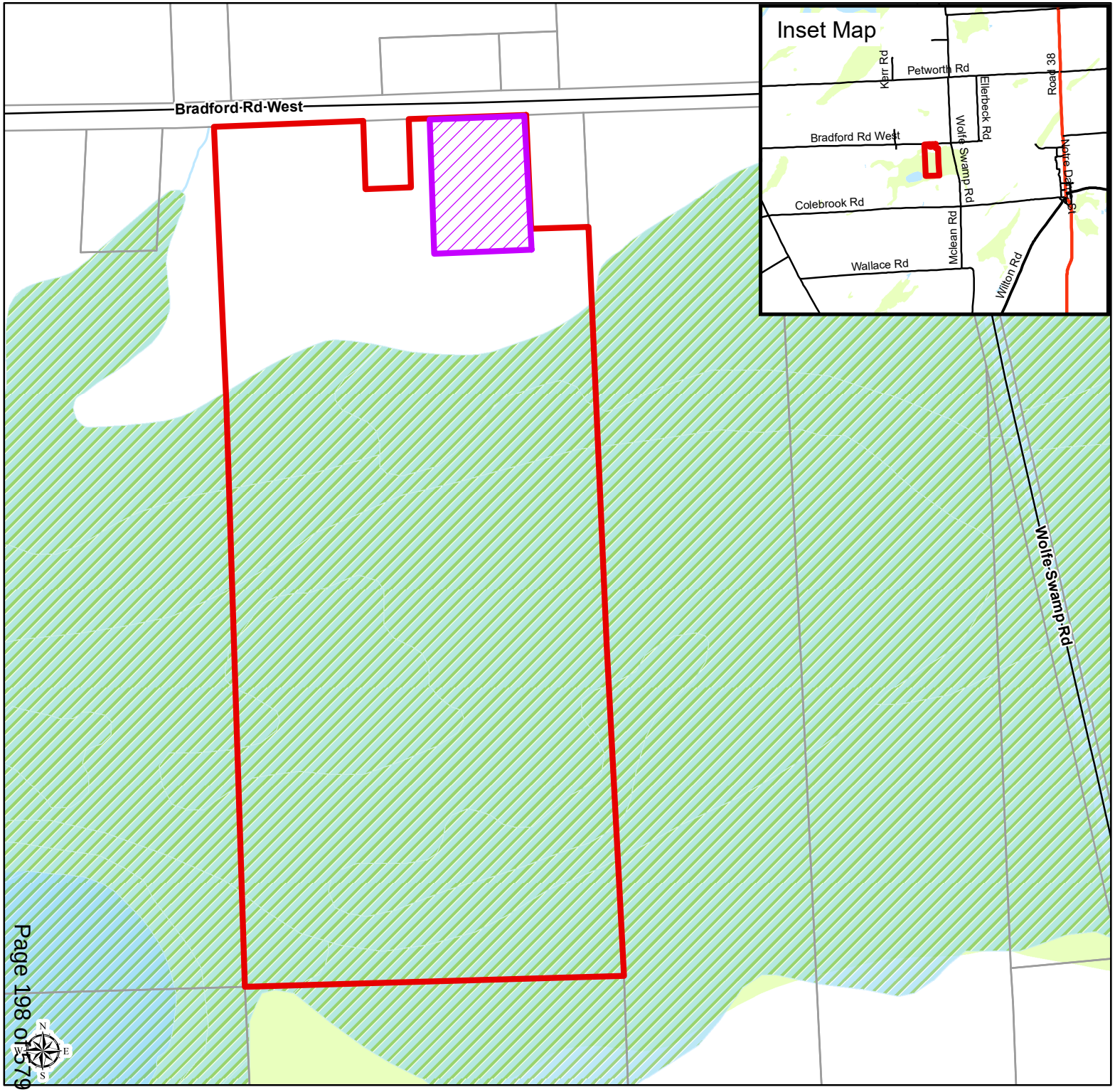


Home | Layers | 102908007... | World To...

0 100 200m

https://www.frontenacmaps.ca/Html5Viewer/index.html?viewer=Public

1/1



S-32-19-P
TAYLOR

BRADFORD RD WEST

Legend

- Proposed Severance
- Taylor Property
- Parcel Fabric
- River / Stream
- Provincially Significant Wetlands

Waterbodies

- Water Area, Permanent
- Wetland Area, Permanent

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

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

Scale 1:4,300

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

Ontario Lake Assessments
& Environmental Education Services

3654 Stage Coach Road
RR#3 Harrowsmith,
Ontario K0H 1V0
Tel: (613) 305-3863
rgenge@xplornet.ca

May 29, 2020

Reg and Brenda Taylor
4938 Bradford Road
Harrowsmith, Ontario
K0H 1V0

REGARDS: Application for Consent to Sever S-32-19P (Taylor); Lot 11, Concession 5; Portland District, South Frontenac Township – Fronting on south side of Bradford Road
Preliminary Environmental Impact Assessment (PEIA)

Dear Reg and Brenda Taylor:

The following comments and recommendations are offered further to our discussions and site visit conducted at your property on May 23rd, and in addition a review of the following material that you provided:

The Notice of Public Hearing dated January 20, 2020.

1) A survey of your existing residential lot location relative to the proposed property to be severed, (plan # 20323).
2) A SFT map showing your property and the Natural Heritage Feature (PSW/ANSI) located to the south of the proposed lot to be severed.

The Proposal:

The proposal is to sever a 0.8 ha (2 ac.) parcel from a larger parcel of approximately 19.8 ha (49 ac); the severed portion will have a depth of 83 m± (273 ft) with a frontage of 76 m± (250 ft) on the south side of Bradford Road. The larger existing parcel includes a portion of the Provincially Significant Wetland (PSW) and the Life Sciences Area of Natural and Scientific Interest (ANSI).

My comments apply to the proposed new lot fronting on the Bradford Road and the potential impact, of development activities that may occur as a result, on the PSW and ANSI. This PSW (with the ANSI designation) maintains a high biological diversity when compared with other local areas of the same size; this is an important and valuable wetland.

The concern is with the potential for human disturbance into the PSW and ANSI as a result of increased development adjacent to these features. Unacceptable human impacts on these features would include but are not limited to such activities as filling and /or dredging near to or in the wetland, loss of habitats for endangered species or species at risk, disruption of hydrologic function (flow of water either to or from the wetland), and disruption to the wetland plant and animal communities etc.

The boundary of the Wolfe Swamp PSW and the Harrowsmith Bog ANSI are one and the same at this location. There is much concern for the protection of natural heritage features like ANSIs and as such they receive increased protection under the Provincial Policy Statement (2005) and require a 50-metre buffer between development and the ANSI boundary; under normal circumstances a buffer of 30-metres would apply for the PSW.

…. 2

Section 5.2.5 of the Township of South Frontenac official plan (OP) takes direction from the Provincial Policy Statement. This section of the OP does not permit new development or site alteration within 120 metres of a PSW and/or ANSI unless it has been determined through an EIA that there will be no negative impacts on the natural features or ecological functions of the wetland. Section 5.2.11 of the OP addresses the issue of EIA requirements. It indicates that, 'In considering any development or site alteration within or adjacent to any Environmentally Sensitive Area, ……, Council …… will require a **Preliminary EIA**'. The results of the preliminary EIA may negate the need for a more comprehensive environmental study.

Site Visit Observations:

The proposed parcel to be severed is entirely under agricultural production and is sowed to oats at present (spring 2020). As such, it is heavily culturally impacted; there are no trees or shrubs with exception to the road frontage. The parcel is flat and without any topographical relief; there are no standing water issues, no wetland pockets, no significant woodlands or valley lands and no habitat for species at risk, nor defined stream flows either to or from the PSW/ANSI to the south. The larger retained portion already under production will continue be farmed; the southernmost portion will remain part to the PSW/ANSI as it exists at present.

Using Google Earth Imagery, the distance to the forested fringe from the closest proposed lot boundary will be greater than 80 metres; the wetland boundary will be inside that forested fringe. In any event, the proposal will accommodate a residence, septic and lawn area all outside of the 30 metre buffer required for wetlands and also the 50 metre buffer required under the PPS for the protection of ANSIs.

In my opinion there will be no negative environmental impacts on the natural features or ecological functions of the PSW and ANSI associated with the creation of this lot; a more detailed EIA is not required.

If you have any questions please feel free to call.

Respectfully yours,



Reginald E. Genge (Hons.B.Sc.)
Principal
Ontario Lake Assessments
rgenge@xplornet.ca
613-305-3863

PDF copy to:
Claire Dodds, Director of Development Services, South Frontenac Township
cdodds@southfrontenac.net
Christine Woods, Planner South Frontenac Township
cwoods@southfrontenac.net
Michelle Hannah, Planning Assistant, South Frontenac Township
mhannah@southfrontenac.net

Report from Roads to Committee of Adjustment

Application Number: S-32-19-P

Applicant's Name: Reginald Taylor

Concession: 5 **Lot:** 11 **District:** Portland

Road: Bradford Road

Road Maintenance: Year-round ☑ Seasonal ☐

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

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

Road Conditions:

1. Are there any special drainage/ditching concerns related to creation of new lot(s)?
   Yes ☐ No ☒
   If yes, what action is the applicant required to take?
2. Is the overall road condition adequate to serve increased development/traffic?
   Yes ☒ No ☐
   If no, please explain, and indicate if there are any measures that could be taken to correct the inadequacies.

Road Widening Required?

Yes ☐ No ☒ To be determined by an Ontario Land Surveyor ☐

Any specific requirement?

Approved by the Public Services?

Yes ☒ Yes, with conditions ☐ No ☐

If yes, with conditions, please describe conditions below.

Signature on behalf of Public Services

Jan 24/2020
Date

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

Member of
Conservation ONTARIO
Natural Champions

January 30, 2020 File: SEV/FRS/12/2020

Sent by E-mail

Ms. Claire Dodds
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Dodds:

Re: Application for Consent to Sever S-32-19-P (Taylor)
Lot 11, Concession 5; Bradford Road
Portland District, Township of South Frontenac
Waterbody: Wolfe Swamp Provincially Significant Wetland / Harrowsmith Bog ANSI

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

Summary of the Proposal

The applicant has requested severance of a 0.8 hectare parcel of land from a larger rural property on Bradford Road. The lot to be severed is presently vacant and is proposed to be used for residential development. The retained lot is also vacant and will be approximately 19 hectares in size.

Site Description

The subject lands are located on the south side of Bradford Road. The lot to be severed consists of predominately open, agricultural land. A portion of the retained lot contains provincially significant wetland (Wolfe Swamp wetland). The wetland is also part of the Harrowsmith Bog area of natural and scientific interest (ANSI, life science). A portion of the lot to be severed and the retained lot are within the 120 metre adjacent lands to the wetland and the 50 metre adjacent lands to an ANSI.

The property is designated 'Rural' and "Provincially Significant Wetland' in the Official Plan and zoned 'Rural' (RU) and 'Environmental Protection' (EP) in the implementing Zoning By-law for South Frontenac Township. The wetland designation and EP zoning coincide with the boundary of the Wolfe Swamp provincially significant wetland.

Discussion

The main interests of the CRCA in this proposal are the avoidance of flooding hazards, water quality and the protection of the Wolfe Swamp PSW and the Harrowsmith Bog ANSI natural heritage features.

Flooding Hazards

Flooding: Flood plain mapping is not available for Wolfe Swamp. Section 5.8.2 of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum 30 metres horizontal of the highwater mark of a waterbody or watercourse. Similarly, Section 4.1.9 of the CRCA's Planning Policy (2015) also suggests a 30 metre setback from the highwater mark of a waterbody for new development, provided that, in the opinion of staff, there is sufficient difference in elevation (to be determined on a case by case basis). Based upon a review of Lidar elevation mapping data, the lot to be severed and the lot to be retained appear to contain suitable development envelopes outside of any area that may be susceptible to flooding.

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.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Similarly, the CRCA Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the high water mark of a waterbody. Future development on the severed or retained lots must be located outside of the 30 metre setback from the seasonal highwater mark of Wolfe Swamp.

Harrowsmith Bog Area of Natural and Scientific Interest

Areas of natural and scientific interest (ANSI's) represent important natural features such as biological communities (life science) and natural landforms (earth science). Section 5.2.7 a)(i) of the Official Plan specifies that an Environmental Impact Assessment may be required for development and site alteration within and adjacent to environmentally sensitive areas such as an ANSI. Similarly, the CRCA's Environmental Planning Policy suggests that development and site alteration on adjacent lands (within 50 metres) to an ANSI should not be supported unless it has been demonstrated that there will be no negative impacts on the feature.

In this instance, both the lot to be severed and the retained lot contain suitable development outside of the 50 metre adjacent lands to the ANSI.

Wolfe Swamp Provincially Significant Wetland Complex

A portion of the Wolfe Swamp provincially significant wetland is located on the retained parcel as well as the adjacent properties to the east and west. In addition, a portion of the lot to be severed and the retained lot are located within the 120 metre adjacent lands to the wetland. Section 5.2.5 of the Official Plan suggests that no development or site alteration shall be permitted within the significant wetland. The Official Plan also suggests that an Environmental Impact Assessment that demonstrates that there will be no negative impacts on the natural features or ecological functions of the wetland may be required for new

development or site alteration within 120 metres of a provincially significant wetland, as well as for the expansion or redevelopment of existing development within or adjacent to a provincially significant wetland.

Staff note that there appears to be a suitable development envelope outside of the 120 metre adjacent lands to the wetland on the lot to be severed. However, it must also be demonstrated that there is a suitable development envelope on the retained parcel for future development to occur. Based upon a review of relevant mapping, it appears that there is insufficient area outside of the 120 adjacent lands to the wetland for future development to occur on the retained parcel. *Therefore, staff recommend that the applicant be requested to submit an Environmental Impact Assessment completed in accordance with Section 5.2.11 of the Official Plan that identifies an appropriate development envelope on the retained lot.*

Recommendation

Staff recommend deferral of application S-32-19-P based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06
Please note that a portion of the property is subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, and that the hydrological and ecological function of wetlands is preserved. In this instance, CRCA regulates development within 120 metres of the provincially significant wetland feature. Within a regulated area, written permission must be obtained from the CRCA prior to development taking place. Present and future landowners are required to contact the CRCA to determine the need for a permit.

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

Yours truly,

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Reginald Taylor, 4938 Bradford Road, Harrowsmith, ON, K0H 1V0
Michelle Hannah, South Frontenac Township (via e-mail)

Michelle Hannah

From: Andrew Schmidt <aschmidt@crca.ca>
Sent: September-16-20 9:08 AM
To: Anna Geladi
Subject: [POSSIBLE SPAM] RE: PEIA attached S-32-19-P

Importance: Low

Follow Up Flag: Follow up
Flag Status: Completed

Hello Anna. I am satisfied with the proposed 50 metre setback being placed within a development agreement. We can also enforce this setback through our regulation at the building permit stage. I am hopeful that this email will suffice for your purposes.

Best regards,

Andrew Schmidt
Supervisor, Development Review

Cataraqui conservation

1641 Perth Road, PO Box 160, Glenburnie ON, K0H 1S0
Phone: (613) 546-4228 ext. 244
Toll-Free: 1-877-956-2722
Web: www.CataraquiConservation.ca

Please consider the environment before printing this e-mail.

From: Anna Geladi <ageladi@southfrontenac.net>
Sent: September 4, 2020 3:13 PM
To: Andrew Schmidt <aschmidt@crca.ca>
Subject: FW: PEIA attached S-32-19-P

Hi Andrew,

I looped Christine into this application just to get her to explain some of what Reg is saying. She said she had a general conversation with Reg Genge on June 8th about adjacent lands, buffers and setbacks that was triggered by the email below. He was trying to contact myself but reached Christine instead. They discussed the differences between the terms and where the various distances come from (e.g. Provincial Policy Statement vs. Official Plan vs. Natural Heritage Reference Manual).

Christine provided the following comments and perspective:

Regarding application S-32-19-P, aside from a lack of understanding of the Township Official Plan and the Natural Heritage Reference Manual, it is my opinion that Reg has provided information that the Township can use to make a decision on the application.

- The Preliminary EIA acknowledges the 120 metre adjacent lands to a Provincially significant wetland (PSW) and area of natural and scientific interest (ANSI).
- The EIA indicates that residential development on the severed parcel would be outside the 30 metre buffer required for wetlands and the 50 metre buffer required for ANSIs. The PPS does not specify these distances and neither does the Natural Heritage Reference Manual. However, they are standard distances used. The EIA suggests that because of the intervening use between the severed parcel and the wetland/ANSI, namely an active agricultural use, that the residential development of the severed parcel would not impact the wetland/ANSI.
- From Reg's June 2, 2020, email, it seems to me that he did not take into account that the wetland/ANSI is not only to the south of the field but also to the west of the field. However, it is his opinion that there is sufficient area for development to occur outside a 50 metre buffer from the wetland and ANSI. This would be for the same reasons as for the severed parcel.
- Therefore, he is suggesting that a minimum 50 metre setback is appropriate on the retained parcel from the wetland and ANSI.

So, then the question is the best way to implement a 50 metre setback on the retained parcel. We have decided it would be through a development agreement.

I am wondering if this is sufficient and if you would be able to provide updated comments so that the application can move forward.

Thanks,
Anna Geladi

Anna Geladi
Planner
Township of South Frontenac
Box 100, Sydenham ON K0H 2T0
Phone: 613 376-3027 ext 2350
Fax: 613-376-6657

Natural, Vibrant and Growing – a Progressive Rural Leader

[redacted]

KFL&A Public Health

http://www.kflapublichealth.ca

Environmental Health Department

CONSENT TO SEVER INSPECTION REPORT

File Number:			Receipt Number:		
S-32-19-P			SK-4-2020		
Owner(s): Taylor, Reginald					
Municipality: Township of South Frontenac			**Ward / Former Township:** Portland		
Lot: Part Lot 11	**Concession:** 5	**Registered Plan:**	**Part(s):**	**Plan of Subdivision:**	**Sublot:**

General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)

Severed: Mostly flat lot, previously used for agriculture. The proposed severed lot is bordered by the proposed retained lot to the west and south, a neighbouring lot to the east, and Bradford Road to the north. Approximately half of the proposed severed lot falls within the 120 metre Provincially Significant Wetland buffer zone.

Retained: Large acreage, with a northern portion of about 3.5 hectares used for agriculture. The remaining portion of the retained lot is Provincially Significant Wetland, as per the GIS mapping on Frontenac Maps.

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
Grade/organic layer	---------->	0.0 m	
Clay soils		0.3 m	
Bottom of test holes	---------->	0.6 m	
		0.9 m	
		1.2 m	
		1.5 m	

Percolation rate (estimated): > 50 min/cm

Percolation rate (estimated):

NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.

Suitability for on-site sewage disposal:

SEVERED	**Conditions:**
☑ Satisfactory ☐ Unsatisfactory ☐ Site Flexible ☑ Site Specific	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 sewage system must be constructed in the area beyond the 120 metre Provincially Significant Wetland buffer zone.
RETAINED	**Conditions:**
☐ Satisfactory ☐ Unsatisfactory ☐ Site Flexible ☐ Site Specific	

Inspector: Matthew Doyle CPHI(C), Public Health Inspector	**Approved:**	**Date:** May 25, 2020

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.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020

Application No: S-32-19-P
Owner: Reginald Taylor
Location of Property: Part Lot 11, Concession 5, District of Portland, Bradford Road
Purpose of Application: Consent for the creation of a new lot
Date of Hearing: February 13, 2020

Recommendation: That provisional consent be:

✓ granted with conditions (attached)

deferred

denied

Purpose:

enlarge abutting lot

✓ create new lot

right-of-way / easement

other:

Area Severed: +/- 0.8 hectares (+/- 2 acres) **Frontage:** +/-76 metres (+/-250 feet) on Bradford Road West	**Official Plan Designation:** Rural and Environmental Protection **Zoning:** Rural and Environmental Protection Severed parcel is vacant land.
Area Retained: +/19 hectares (+/-47.97 acres) **Frontage:** +/-138 metres (+/-453 feet) on Bradford Road West	**Official Plan Designation:** Rural and Environmental Protection **Zoning:** Rural and Environmental Protection Retained parcel is vacant land.

Review: This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Conforms with section 51(24) of the *Planning Act*;

✓ Conforms with the County of Frontenac Official Plan (3.3);

✓ Conforms with the Township of South Frontenac Official Plan (5.2, 5.7.4 & 7.1);

✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance); and

✓ Has no unresolved objections/concerns raised from agencies or the public.

Proposal

The purpose of this consent application is to seek permission to create a rural residential lot approximately +/-0.8 hectares (+/- 2 acres) in size with approximately +/-76 metres (+/-250 feet) of frontage along Bradford Road West (see attached map). The subject lands is located on the south side of Bradford Road West. The subject lands consist of agricultural land and the Wolfe Lake Swamp Complex and the Harrowsmith Bog. This wetland is a Provincially Significant Wetland and an Area of Natural and Scientific Interest (ANSI). There is existing residential development along Bradford Road West.

The severed parcel consists of agricultural land. The southern half of the parcel is within 120 metre adjacent lands to the wetland. The severed parcel is proposed to be used for residential development serviced by a private well and septic system.

The retained parcel consists of approximately +/- 19 hectares (+/- 46.97 acres) of land with approximately +/-138 metres (+/-453 feet) of frontage along Bradford Road West. A majority of the parcel consists of the Wolfe Lake Swamp Complex. A majority of the agricultural land on the retained parcel is within the 120 metre adjacent lands to the wetland and within the 50 metres (164 feet) adjacent lands to the ANSI. The retained parcel is vacant, and proposed to continue to be used for its current use.

Agency and Public Comments

Public Service Department – Comments received from Public Service Department on January 24, 2020, indicate that staff have no objections to the application.

Cataraqui Conservation – Comments received from Cataraqui Conservation on January 30, 2020, indicate that a portion of the subject property (retained lands) contains provincially significant wetland (Wolfe Swamp), which is part of the Harrowsmith Bog Area of Natural and Scientific Interest (ANSI, life science). A portion of the severed lot and the retained lot is within 120 metres (294 feet) adjacent lands to the wetland and within 50 metres (164 feet) adjacent lands to an ANSI. It was indicated that there appears to be a suitable building envelope on the severed lot. However, CRCA recommended that the applicant be requested to submit an Environmental Impact Assessment (EIA) in accordance with Section 5.2.11 of the Official Plan to identify an appropriate development envelope on the retained lot.

Subsequent comments received from Cataraqui Conservation on the submitted Preliminary EIA (Ontario Lake Assessments, May 29, 2020)requested that the EIA be revised to identify an appropriate development envelope on the retained lot. Final comments received from Cataraqui Conservation staff on September 16, 2020, indicate that staff are satisfied with the proposed 50 metre setback to the wetland on the retained lot and that Cataraqui Conservation would enforce this setback through their regulation at the building permit stage.

KFL&A Public Health – Comments received from Public Health on May 25, 2020, indicate that the sewage system must be constructed in the area beyond the 120 metre Provincially Significant Wetland buffer zone on the severed parcel. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system and specific soil requirements will be indicated on an Application to Construct a Sewage System prior to site development.

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

Analysis

Section 5.7.4 of the Township Official Plan allows a maximum of three rural residential severances to be permitted from a lot existing on the date of adoption of the Official Plan, which was in 2000. There have been no severances from the subject property since the adoption of the Official Plan. As such, the current severance application is the first rural residential severance from the subject property that is permitted under Section 5.7.4.

The size of the severed parcel and the retained parcel comply with the standards established in the Zoning By-Law. Both the severed parcel and the retained parcel have frontage on a public road. The

severed parcel is proposed to be developed and serviced by private water and a private septic system.

The severed parcel complies with the rural residential policies (section 5.7.4) and land division policies (section 7.1) of the Township of South Frontenac Official Plan. It also complies with the Rural zone provisions in Zoning By-law 2003-75.

MDS I calculations were completed by Township staff for one neighbouring barn located across the road in January 2020. The minimum distanced required from this livestock barn was calculated to be 81 metres (265 feet). The severed parcel is located approximately 88 metres (289 feet) from the livestock barn. Staff are satisfied that the severed parcel meets the required separation distance from this barn.

A Preliminary EIA was submitted in support of the application in accordance with section 5.2.5 and Section 5.2.7a) of the Official Plan, and as requested by Cataraqui Conservation.

The Preliminary EIA acknowledges the 120 metre adjacent lands to a Provincially Significant Wetland (PSW) and Area of Natural and Scientific Interest (ANSI). The EIA suggests that because of the intervening use between the severed parcel and the wetland/ANSI (agricultural use) that the residential development on the severed parcel would not impact the wetland/ANSI. The EIA suggests that there is sufficient area for development to occur outside a 50 metre buffer from the PSW and ANSI and suggests a minimum 50 metre setback is appropriate on the retained parcel from the PSW and ANSI.

Cataraqui Conservation staff and Township Planning staff acknowledge that there is sufficient area on the severed and retained parcels for development to occur outside the 50 metre adjacent lands to the ANSI, and the 50 metres setback on the retained lands will be acknowledged through a development agreement. There is sufficient area on the severed for development to occur outside the 120 metre adjacent lands to the wetland as required by the Official Plan.

Both the PPS 2020 and the County Official Plan (Section 3.3.2.2) permit residential development in the Rural designation.

Conclusion

On May 19, 2020, South Frontenac Council passed by-law 2020-27 delegating approval of undisputed consent applications to the Director of Development Services, or their designate. This application S-32-19-P, is an undisputed consent application, however it was heard by the Committee of Adjustment and deferred at the February 13, 2020 meeting prior to the passing of the By-law. Therefore, any and all written submissions relating to this application will be considered by the Committee of Adjustment for a final decision.

It is recommended that application S-32-19-P be **approved** for the consent to create a new residential lot Part Lot 11, Concession 5, District of Portland, Township of South Frontenac, Bradford Road, subject to conditions.

Recommended Conditions for Consent Application S-32-19-P

Expiry Period

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

Severed Lands

2. The land to be severed by Consent Application S-32-19-P shall be for the creation of one new residential lot with an area of +/-0.8 hectares (+/- 2 acres) and approximately +/-76 metres (+/-250 feet) of frontage along Bradford Road West.

Survey/Reference Plan or Registerable Description

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

4. The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Road Widening

5. The surveyor who prepares the reference plan referred to in Condition #3 and #4 shall also determine by survey the width of the public road to be 20 metres (66 feet). If such width is less than 66 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:

    a. The land to be dedicated shall be the width required to ensure there is a 66 foot road allowance;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner’s expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of “The Corporation of the Township of South Frontenac”, and shall include the following attached to the Transfer/Deed as a Schedule:

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

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner’s expense;

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

Municipal Requirements

6. 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.

7. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-32-19-P, in lieu of parkland [*Planning Act*, s. 51(1)].

8. In the event that there are abandoned wells located on the property being severed, and the retained property, they shall 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.

9. The owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the retained parcel through Consent Application S-32-19-P.

10. The applicant shall enter into a Development Agreement with the Township to be registered on title to the retained parcel to address the development of the lot, including a 50 metre setback from the PSW and ANSI, lot grading and drainage, and entrancing.

Zoning

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

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Attachments: Map of Taylor Property

Site Visit:

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

Date Received: NOV 19, 2019 File No: S-34-19-S

1. Name of Owner(s): KEVIN & KERSTIN MACKAY

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: Concession 7 Lot Number: Lot 23

Street Number: _____ Name of Road/Street: Latimer RD.

Reference Plan Number: 13R16540 Part Number(s): 1, 2, 3, 4, 5, 6

Roll Number: 1629066016643 00

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): 0 zero Frontage (on road/lane): approx 520 metres

Depth: Approx 238 metres. Area: Approx 18 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.

creation of a new lot

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

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

Proposed New Lot:		Retained Lot:	
Frontage On Road	Approx 80 metres	Frontage On Road	Approx 440 metres
Frontage On Water	0	Frontage On Water	0
Depth	Approx 123 metres	Depth	Approx 1165 metres
Area	2.6 Hectares Approx 6.4 acres 26,530 m²	Area	Approx 11.6 acres

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

	Existing Uses	Proposed Uses
New Lot:	Vacant	Vacant
Retained:	Residential	Residential

	Structures Existing	Structures Proposed
New Lot:	None	None

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

	Structures Existing	Structures Proposed
Retained Lot:	House	House

(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***):

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***):

Subject to easement for hydro STN 8462

9. Name of road or lane which accesses:

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

The retained lot: Latimer Road

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: private well

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

New Lot: private septic Retained Lot: private septic

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

Rural

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: _____

(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 $817.00 representing payment of the application fee.

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

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

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

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

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



GENERAL

1. All works to be installed in accordance with current Township of South Frontenac Guidelines, Ontario Building Code and, Ontario Provincial Standard Specifications and Drawings unless specified otherwise.
2. Prior to construction, Contractor to verify all dimensions, sewer inverts and utility locates and identify possible conflicts.
3. In the event that human remains are encountered during construction, the Contractor shall immediately contact the Ministry of Tourism Culture and Sport, the Registrar of the Cemeteries Regulation Unit from the Ministry of Consumer Services, at (416) 326-8393 and Ontario Provincial Police.

GRADING

1. Finished surfaces shall be at a minimum grade of 2% unless otherwise noted.
2. Slopes in landscaped areas shall not exceed 3:1.
3. All existing elevations and grades are to be verified by the contractor prior to grading
4. Utilities are to be located prior to construction
5. All ground surfaces shall be graded to prevent ponding and without low areas except where approved swale or catchbasin outlets are provided.
6. Maximum hard surface grades are to be 8.0%.
7. Conflicts between the architectural drawings and grading shall be brought to the attention of the contract administrator.
8. The contractor is responsible for reviewing proposed grades with conflicts regarding the proposed structures.
9. Sub-drain and outlet elevations are to be confirmed prior to construction any structures.
10. Sub-grade shall be graded at a minimum of 2%, until a lower ditch is encountered or the existing surface drains away from the sloped sub-grade.
11. Gravel areas include all rounding required to maintain the proposed gravel pad edges.

SEDIMENT AND EROSION CONTROL NOTES

1. All erosion and sediment controls shall be installed prior to construction and monitored and maintained by the Contractor throughout the construction process, until all disturbed areas have been revegetated then the temporary sediment and erosion control measures must be removed once the site has been stabilized/completed of site works.
2. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of CRCA.
3. Regardless of site specific items detailed on the plans, the Contractor shall install erosion control measures to suit the proposed work methods to control sediment from running off the site prior to any disturbance.
4. Staked straw bale filters and flow checks to be installed as per OPSD 219.100 and OPSD 219.180.

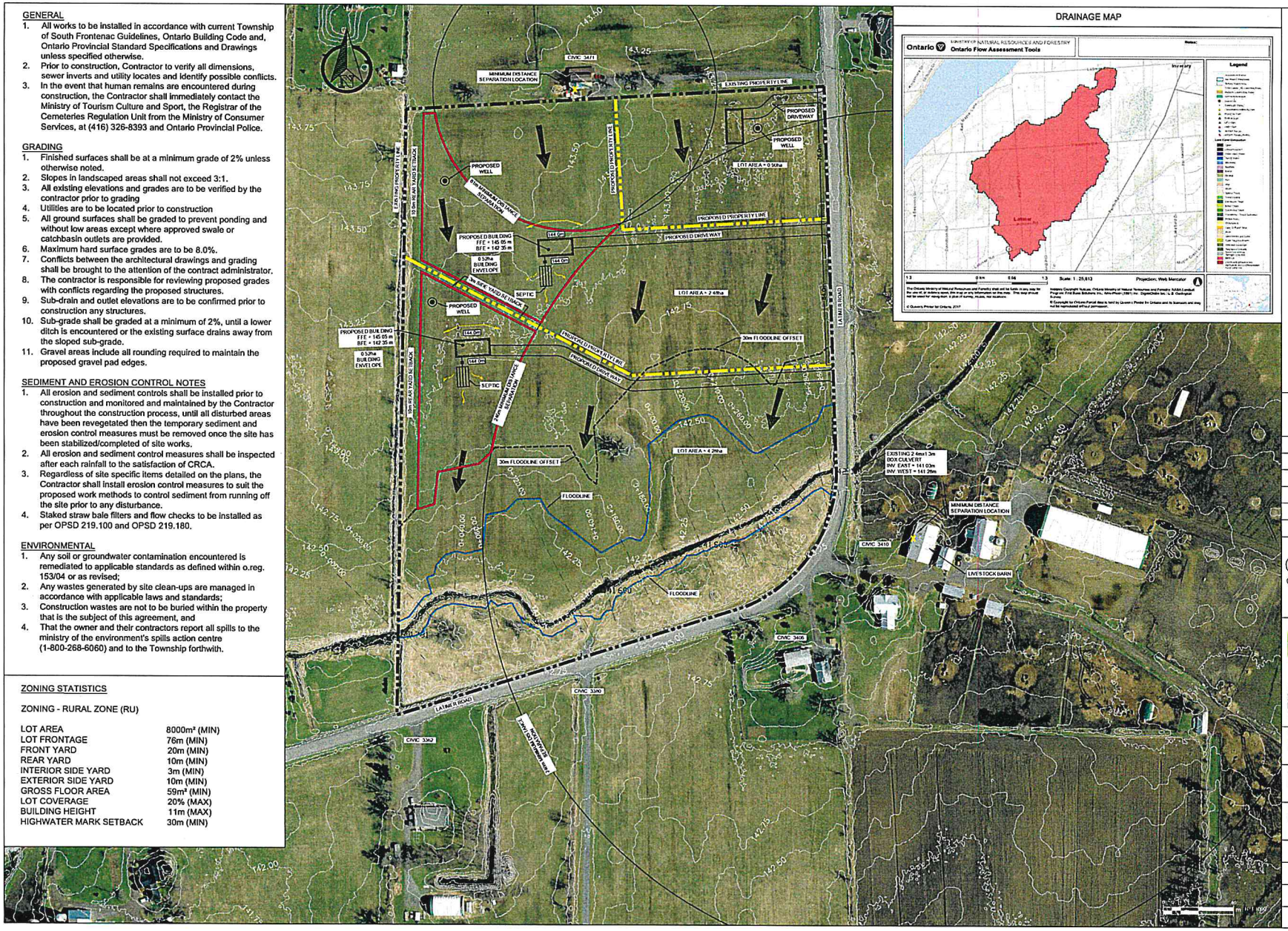
ENVIRONMENTAL

1. Any soil or groundwater contamination encountered is remediated to applicable standards as defined within o.reg. 153/04 or as revised;
2. Any wastes generated by site clean-ups are managed in accordance with applicable laws and standards;
3. Construction wastes are not to be buried within the property that is the subject of this agreement, and
4. That the owner and their contractors report all spills to the ministry of the environment's spills action centre (1-800-268-6060) and to the Township forthwith.

ZONING STATISTICS

ZONING - RURAL ZONE (RU)

LOT AREA	8000m² (MIN)
LOT FRONTAGE	76m (MIN)
FRONT YARD	20m (MIN)
REAR YARD	10m (MIN)
INTERIOR SIDE YARD	3m (MIN)
EXTERIOR SIDE YARD	10m (MIN)
GROSS FLOOR AREA	59m² (MIN)
LOT COVERAGE	20% (MAX)
BUILDING HEIGHT	11m (MAX)
HIGHWATER MARK SETBACK	30m (MIN)



LEGEND:

- EXISTING R.O.W.
- EXISTING GRADE
- BUILDING ENVELOPE
- PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED WELL
- PROPOSED SEPTIC
- PROPOSED DRIVEWAY
- PROPOSED GRADE
- MAJOR FLOW PATH
- MINOR FLOW PATH

Benchmark

R	SEPTIC REVISIONS	22/01/2020
No.	Revision/Notes	Date

PROFESSIONAL ENGINEER
PROVINCE OF ONTARIO
90268928

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8
613.634.9009 tel.
1.888.884.9392 fax.

Client: KERSTIN MACKAY

Project: LATIMER ROAD

Drawing: SITE PLAN

Drawn by: JB	Checked by: DP	Project No.
Designed by: DP	Approved by: DP	Drawing No. SK1
Date: JANUARY 2020		
Scale: 1:600		

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8

613 634 9009 tel
888.884.9392 fax

October 4, 2019

Kerstin Mackay
3362 Latimer Road
South Frontenac, ON

Dear Ms. Mackay

Regarding: Latimer Road Severance

As requested, Forefront Engineering Inc. has completed a drainage analysis for the proposed lot severance located along Latimer Road, South Frontenac, Ontario.

The subject property at 3362 Latimer Road is approximately 7.6 hectares in area with approximately 280 m of frontage along the north south portion of Latimer road and approximately 260 m of frontage along the east west portion of Latimer Road. The site is predominantly field and pasture.

A channel extends westerly across the site near the south end of the property. The channel is a tributary to Collins Creek outletting to the Creek between Shannons Corners and Elginburg. A 2.4 m x 1.3 m box culvert conveys flow across Latimer Road just east of the subject site.

A dwelling situated near the north property line is currently under construction. Zoning for the subject lands is Rural requiring a minimum lot area of 0.8 hectares and a minimum frontage of 76 m. It is proposed that the existing lot will be severed to create two additional lots.

A topographic survey of the channel and adjacent area was completed. Topographic survey information for the balance of the site was obtained from LIDAR mapping. An analysis has been completed to demonstrate that the proposed homes and septic systems would lie beyond the floodplain of the channel. Attached is a Site Plan (SK1) showing the upstream drainage area, the drainage channel and 100-year flood line, and the proposed lots and house locations with recommended grading. Notes on our analysis are presented below.

An analysis of the site and watershed characteristics was completed using the Ministry of Natural Resources and Forestry Ontario Flow Assessment Tool (OFAT). The total drainage area for the channel extending through the subject property is approximately 455 hectares. Refer to **Figure 1:** Ontario Flow Assessment Tools Drainage Map.

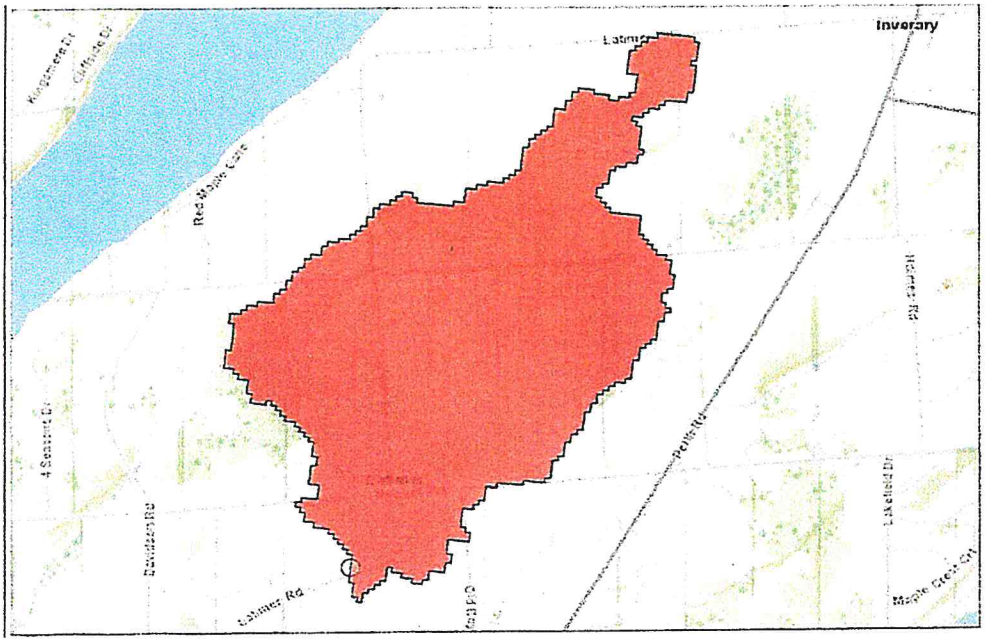


Figure 1: Ontario Flow Assessment Tools Drainage Map

The drainage area slopes approximately 4.1 m/km over an approximate distance of 5.3 km. Therefore, the slope of the main channel is 1.5%. For the watercourse at the subject property, OFAT suggests a 100-year peak flow of approximately 2.23 m^3/s using the index flood model with EPA.

The watercourse main channel through the subject property is irregular with approximately 0.5m wide, flat bedrock/earth bottom, 0.2% longitudinal slope, and earth banks approximately 0.5 m high on average. Using the MTO Drainage Management Manual a Manning's n value of 0.05 was selected for the channel.

Hydraulic analysis using a recent version of the US Army Corps of Engineers HEC-RAS River Analysis System software (Version 4.0.0, released March 2008) was undertaken. The software has been widely used in similar open channel flow analyses in Ontario and is recognized as a reliable technique for estimating one-dimensional steady state flow, unsteady state flow calculations, sediment transport, bed computations, water temperature modeling and their associated parameters.

HEC-RAS analysis suggests that a flow depth of approximately 0.9 m can be expected in the channel under the 100-year peak flow. The hydraulic analysis was used to determine the 100-year flood line for the subject watercourse. The calculated floodline varies from approximately 142.5 m to 143.0 m across the subject site.

Drawing SK1 shows the proposed lotlines with home and septic locations. All three lots will front on the north south portion of Latimer Road with an area of 1.2 hectares and a frontage of 80 m for the northerly lot, an area of 2.6 hectares and a frontage of 80 m for the center lot and an area of 3.8 hectares and a frontage of approximately 100 m for the southern lot. The analysis demonstrates that the proposed house

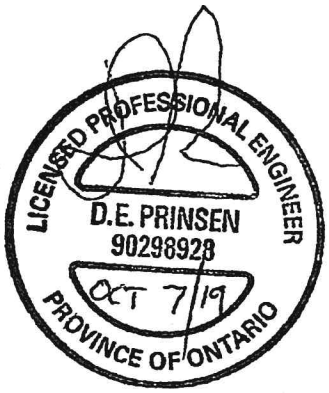
and septic locations are appropriate and lie beyond the floodplain and 30m setback of the subject watercourse.

Also shown on Drawing SK1 is the minimum distance separation line which demonstrates adequate separation for the proposed homes and pertinent portions of the proposed lots from livestock operations.

Please contact this office if you have any questions.

Sincerely,
FOREFRONT Engineering Inc.

Doug Prinsen, P.Eng.
Senior Project Manager
Doug.Prinsen@Forefronteng.ca



SKETCH

GENERAL

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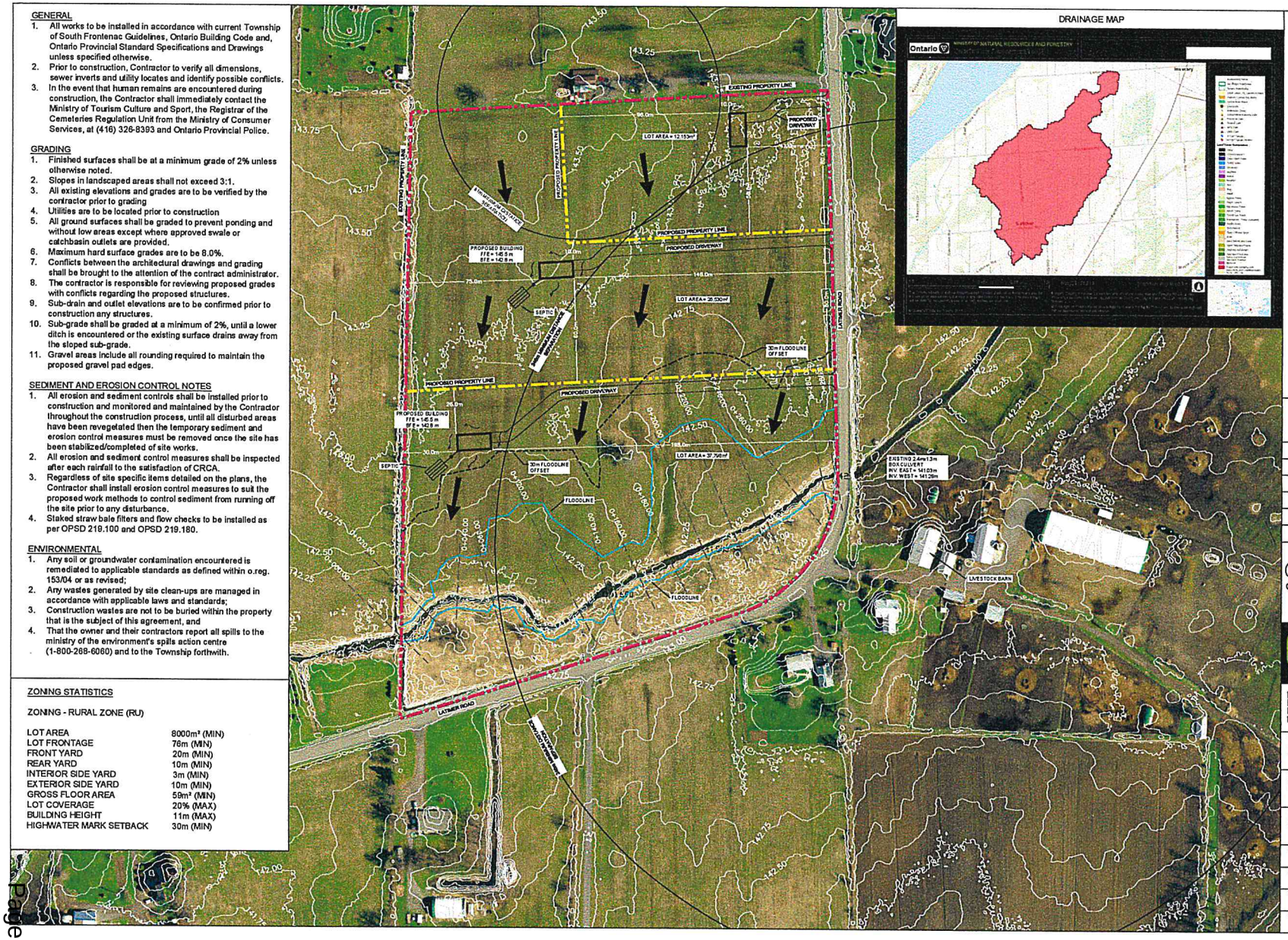
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GROSS FLOOR AREA	59m² (MIN)
LOT COVERAGE	20% (MAX)
BUILDING HEIGHT	11m (MAX)
HIGHWATER MARK SETBACK	30m (MIN)



DRAINAGE MAP

N

0 20 40 m 1:1000

No.	Revision/Issue	Date

PROFESSIONAL ENGINEER
D. F. MARSH
90298028
PROVINCE OF ONTARIO

Forefront Engineering Inc

1329 Gardiners Road, Suite 2D
Kingston, ON, Canada K7P 0L8
613.634.9009 tel
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Client: KERSTIN MACKAY

Project: LATIMER ROAD

Drawing: SITE PLAN

Drawn by: JE	Checked by: DF	Project No.
Designed by: DF	Approved by: DF	Drawing No. SK1
File: SITE 08.18.219		
Scale: 1:500		

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8

613 634 9009 tel
888.884.9392 fax

January 24, 2020

Kerstin Mackay
3362 Latimer Road
South Frontenac, ON

Dear Ms. Mackay

Regarding: Latimer Road Severance

As requested, Forefront Engineering Inc. has completed a drainage analysis for the proposed lot severance located along Latimer Road, South Frontenac, Ontario.

The subject property at 3362 Latimer Road is approximately 7.66 hectares in area with approximately 280 m of frontage along the north south portion of Latimer road and approximately 260 m of frontage along the east west portion of Latimer Road. The site is predominantly field and pasture.

A channel extends westerly across the site near the south end of the property. The channel is a tributary to Collins Creek outletting to the Creek between Shannons Corners and Elginburg. A 2.4 m x 1.3 m box culvert conveys flow across Latimer Road just east of the subject site.

A dwelling situated near the north property line is currently under construction. Zoning for the subject lands is Rural requiring a minimum lot area of 0.8 hectares and a minimum frontage of 76 m. It is proposed that the existing lot will be severed to create two additional lots.

A topographic survey of the channel and adjacent area was completed. Topographic survey information for the balance of the site was obtained from LIDAR mapping. An analysis has been completed to demonstrate that the proposed homes and septic systems would lie beyond the floodplain of the channel. Attached is a Site Plan (SK1) showing the upstream drainage area, the drainage channel and 100-year flood line, and the proposed lots and house locations with recommended grading. Notes on our analysis are presented below.

An analysis of the site and watershed characteristics was completed using the Ministry of Natural Resources and Forestry Ontario Flow Assessment Tool (OFAT). The total drainage area for the channel extending through the subject property is approximately 455 hectares. Refer to **Figure 1:** Ontario Flow Assessment Tools Drainage Map.

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8

613 634 9009 tel
888.884.9392 fax

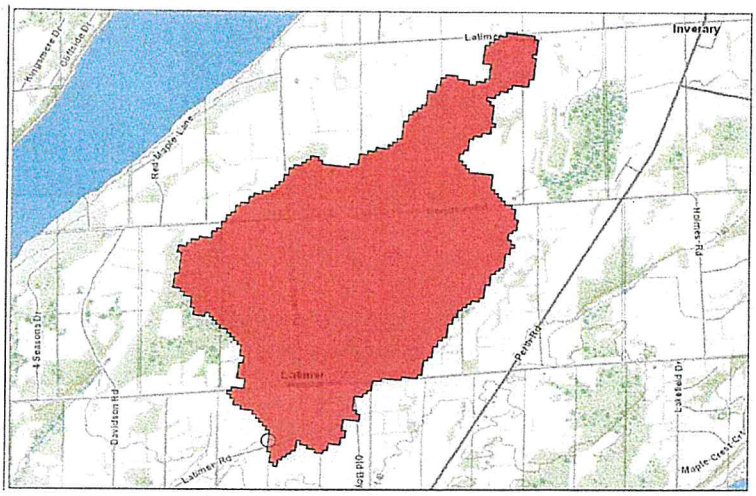


Figure 1: Ontario Flow Assessment Tools Drainage Map

The drainage area slopes approximately 4.1 m/km over an approximate distance of 5.3 km. Therefore, the slope of the main channel is 1.5%. For the watercourse at the subject property, OFAT suggests a 100-year peak flow of approximately 2.23 m^3/s using the index flood model with EPA.

The watercourse main channel through the subject property is irregular with approximately 0.5m wide, flat bedrock/earth bottom, 0.2% longitudinal slope, and earth banks approximately 0.5 m high on average. Using the MTO Drainage Management Manual a Manning's n value of 0.05 was selected for the channel.

Hydraulic analysis using a recent version of the US Army Corps of Engineers HEC-RAS River Analysis System software (Version 4.0.0, released March 2008) was undertaken. The software has been widely used in similar open channel flow analyses in Ontario and is recognized as a reliable technique for estimating one-dimensional steady state flow, unsteady state flow calculations, sediment transport, bed computations, water temperature modeling and their associated parameters.

HEC-RAS analysis suggests that a flow depth of approximately 0.9 m can be expected in the channel under the 100-year peak flow. The hydraulic analysis was used to determine the 100-year flood line for the subject watercourse. The calculated floodline varies from approximately 142.5 m to 143.0 m across the subject site.

Drawing SK1 shows the proposed lotlines with home and septic locations. All three lots will front on the north south portion of Latimer Road with an area of 0.90 hectares and a frontage of 76m for the northerly lot, an area of 2.48 hectares and a frontage of 84 m for the center lot and an area of 4.28 hectares and a frontage of approximately 100 m for the southern lot. The analysis demonstrates that the proposed house

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8

613 634 9009 tel
888.884.9392 fax

and septic locations are appropriate and lie beyond the floodplain and 30m setback of the subject watercourse.

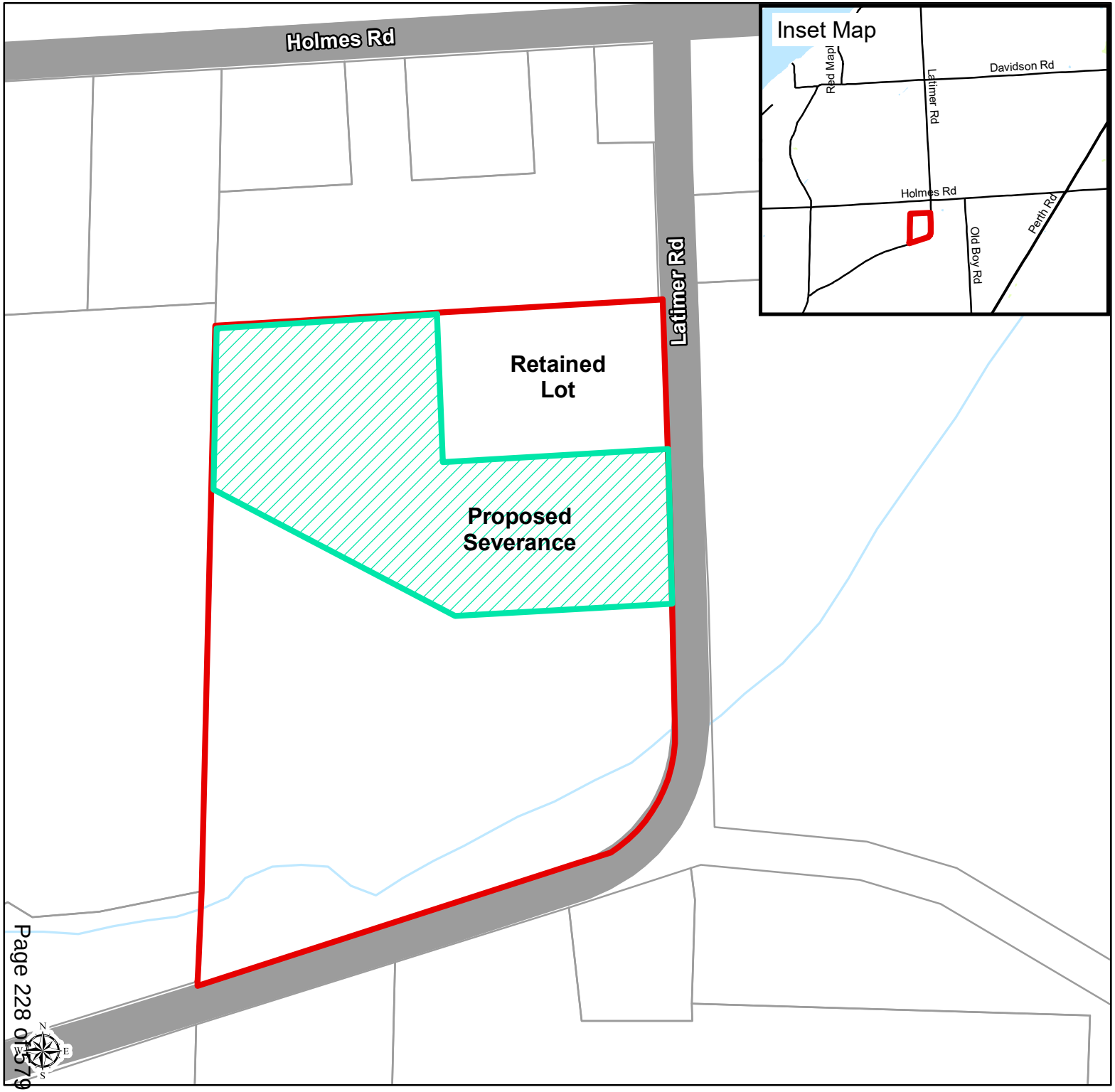
Also shown on Drawing SK1 is the minimum distance separation line which demonstrates adequate separation for the proposed homes and pertinent portions of the proposed lots from livestock operations. The drawing demonstrates building envelopes in excess of 0.5 hectares beyond the MDS setbacks, rear and side yard setbacks, and 30m floodline setback.

Please contact this office if you have any questions.

Sincerely,
FOREFRONT Engineering Inc.



Doug Prinsen, P.Eng.
Senior Project Manager
Doug.Prinsen@Forefronteng.ca



S-34-19-S
MACKAY

3467 LATIMER RD

Legend

- MacKay Property
- Parcel Fabric
- River / Stream
- Provincially Significant Wetlands

Waterbodies

- Water Area, Permanent
- Wetland Area, Permanent

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

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

Scale 1:2,800

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

Report from Roads to Committee of Adjustment

Application Number: S-34-19-S & S-35-19-S

Applicant's Name: Kevin & Kirsten MacKay

Concession: 7 **Lot:** 23 & 24 **District:** Storrington

Road: 3467 Latimer Road

Road Maintenance: Year-round ☒ Seasonal ☐

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

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

Road Conditions:

1. Are there any special drainage/ditching concerns related to creation of new lot(s)?
   Yes ☒ No ☐
   If yes, what action is the applicant required to take?
   Some issues outside the ROW
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 ☒ To be determined by an Ontario Land Surveyor ☐

Any specific requirement?

Approved by the Public Services?

Yes ☒ Yes, with conditions ☐ No ☐

If yes, with conditions, please describe conditions below.

Signature on behalf of Public Services

July 14/20
Date

KFL&A Public Health

http://www.kflapublichealth.ca

Environmental Health Department

CONSENT TO SEVER INSPECTION REPORT

File Number:			Receipt Number:		
S-34-19-S			SK-10-2020		
Owner(s): MacKay, Kevin & Kerstin					
Municipality: Township of South Frontenac			**Ward / Former Township:** Storrington		
Lot: Parts 23 & 24	**Concession:** 7	**Registered Plan:** 13R16716	**Part(s):** 1 & 2	**Plan of Subdivision:**	**Sublot:**

General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)

Severed: Relatively flat lot previously used for agriculture; the proposed severed lot is bordered by the proposed retained lot to the north and east, Latimer Road to the east, the proposed severed lot (S-35-19-S) to the south, and neighbouring lots to the west and north.

Retained: Relatively flat lot previously used for agriculture, with an existing dwelling, serviced by a well and sewage system. The proposed retained lot is bordered by a neighbouring lot to the north, Latimer Road to the east, and the proposed severed lot (S-34-19-S) to the south and west.

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
Grade/organic layer	---------->	0.0 m	
Standing water in both test holes	---------->	0.3 m	
Clay soil throughout		0.6 m	
Test hole #1 stops at 0.7m	---------->	0.9 m	
Test hole #2 stops at 1.1m	---------->	1.2 m	
		1.5 m	

Percolation rate (estimated): > 50 min/cm

Percolation rate (estimated):

NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.

Suitability for on-site sewage disposal:

SEVERED

- [x] Satisfactory
- [ ] Unsatisfactory
- [x] Site Flexible
- [ ] Site Specific

Conditions: The proposed lot is capable of providing flexibility in siting a sewage disposal system. 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.

RETAINED

- [ ] Satisfactory
- [ ] Unsatisfactory
- [ ] Site Flexible
- [ ] Site Specific

Conditions:

Inspector: Matthew Doyle CPHI(C), Public Health Inspector	Approved:	Date: March 19, 2020

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.

June 3, 2020

File: SEV/FRS/41/2020
SEV/FRS/42/2020

Sent by E-mail

Ms. Claire Dodds
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Dodds:

Re: Applications for Consent to Sever S-34-19-S & S-35-19-S (MacKay)
Lot 23, Concession 7; 3467 Latimer Road
Township of South Frontenac (Storrington)
Waterbody: Un-named Tributary

Cataraqui Conservation staff have 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 2.59 hectare parcel of land (S-34-19-S) and a 3.78 hectare parcel of land (S-35-19-S) from an 7.28 hectare property known as 3467 Latimer Road. The lot to be retained would be approximately 0.91 hectares in area with frontage on Latimer Road. The lot to be retained is presently developed as a residential property and is proposed to remain in its present use. The lots to be severed are proposed to be used for residential purposes.

Site Description

The property is a corner lot on the west side of Latimer Road. The topography of the property can be described as very flat with surface drainage toward a receiving un-named watercourse the flows in an east to west direction through the southern portion of the property. The applicants have created a ditch that runs north to south through the property and into the un-named watercourse. This ditch was originally constructed without approval under Cataraqui Conservation's Ontario Regulation 148/06, but has since been permitted under permit F-126/20-Un-named Trib.

The property is currently designated ‘Rural’ in the Official Plan and ‘Rural’ (RU) in the implementing Zoning By-law for South Frontenac Township.

Discussion

The main interests of the CRCA with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the un-named watercourse and the man-made ditch, and the protection of water quality.

Natural Hazards

Flooding: Flood plain mapping is not available for this watercourse or the man-made ditch. In lieu of flood plain mapping, the applicant commissioned a study (Forefront Engineering, October 4, 2019) to review the hydrology of the un-named watercourse and provide an estimate of where flooding is anticipated for a 100 year flood event. The report also provides for a 30 metre setback allowance from the anticipated extent of flooding which is satisfactory to staff.

However, a hydrologic analysis of the man-made ditch has not been provided. Staff note that the proposed building envelopes are located on the west side of the ditch which would involve providing access across the ditch. Since hydrology has not been completed on the man-made ditch, the applicant has failed to demonstrate safe access to the future building envelopes. Safe access is required to allow safe passage for the future occupants of the dwellings and emergency vehicles.

Staff recommend that the applicant demonstrate safe access to the future building envelopes by providing a hydrologic analysis for the man-made ditch that considers culvert sizing to pass the 100 year storm, and the elevation of the driveway to ensure safe passage. Please note that a permit under O. Reg. 148/06 will be required prior to installing the culvert crossings.

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. Section 4.2.1 of Cataraqui Conservation’s Planning Policy suggests that development and site alteration should be directed to areas outside of lands that are subject to erosion hazards. Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till of 3(h):1(v), plus an access allowance of 6 metres.

Staff are satisfied that the lots to be severed and the lot to be retained contain suitable development envelopes outside of any area that may be susceptible to erosion.

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, Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Staff are satisfied that there will be an appropriate buffer between the proposed building envelopes and the watercourses on the property.

Recommendation

Staff recommend deferral of applications S-41-20-S and S-42-20-S until the applicant has demonstrated safe access to the proposed building envelopes.

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 e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Tess Gilchrist, South Frontenac Township (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)
Kevin & Kerstin MacKay, applicants (via e-mail)

October 2, 2020

File: SEV/FRS/41/2020
SEV/FRS/42/2020

Sent by E-mail

Christine Woods, Senior Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Christine:

Re: Applications for Consent to Sever S-34-19-S & S-35-19-S (MacKay)
Lot 23, Concession 7; 3467 Latimer Road
Township of South Frontenac (Storrington)
Waterbody: Un-named Tributary

Cataraqui Conservation staff have reviewed the above-noted application for consent to sever and offer the following comments for the Land Division Committee's consideration.

Additional comments to our previous correspondence of June 3, 2020 are provided in bold italic font for quick reference.

Summary of Proposal

The applicant has requested severance of a 2.59 hectare parcel of land (S-34-19-S) and a 3.78 hectare parcel of land (S-35-19-S) from an 7.28 hectare property known as 3467 Latimer Road. The lot to be retained would be approximately 0.91 hectares in area with frontage on Latimer Road. The lot to be retained is presently developed as a residential property and is proposed to remain in its present use. The lots to be severed are proposed to be used for residential purposes.

Site Description

The property is a corner lot on the west side of Latimer Road. The topography of the property can be described as very flat with surface drainage toward a receiving un-named watercourse the flows in an east to west direction through the southern portion of the property. The applicants have created a ditch that runs north to south through the

property and into the un-named watercourse. This ditch was originally constructed without approval under Cataraqui Conservation's Ontario Regulation 148/06, but has since been permitted under permit F-126/20-Un-named Trib.

The property is currently designated 'Rural' in the Official Plan and 'Rural' (RU) in the implementing Zoning By-law for South Frontenac Township.

Discussion

The main interests of the CRCA with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the un-named watercourse and the man-made ditch, and the protection of water quality.

Natural Hazards

Flooding: Flood plain mapping is not available for this watercourse or the man-made ditch. In lieu of flood plain mapping, the applicant commissioned a study (Forefront Engineering, October 4, 2019) to review the hydrology of the un-named watercourse and provide an estimate of where flooding is anticipated for a 100 year flood event. The report also provides for a 30 metre setback allowance from the anticipated extent of flooding which is satisfactory to staff.

However, a hydrologic analysis of the man-made ditch has not been provided. Staff note that the proposed building envelopes are located on the west side of the ditch which would involve providing access across the ditch. Since hydrology has not been completed on the man-made ditch, the applicant has failed to demonstrate safe access to the future building envelopes. Safe access is required to allow safe passage for the future occupants of the dwellings and emergency vehicles.

Staff recommend that the applicant demonstrate safe access to the future building envelopes by providing a hydrologic analysis for the man-made ditch that considers culvert sizing to pass the 100 year storm, and the elevation of the driveway to ensure safe passage. Please note that a permit under O. Reg. 148/06 will be required prior to installing the culvert crossings.

The applicant has provided an engineering opinion (Forefront Engineering, August 12, 2020) in support of their applications. Staff are satisfied with the findings of this report. Therefore, staff no longer have concerns with safe

access. As noted above, a Cataraqui Conservation permit under Ontario Regulation 148/06 is required prior to installing the culvert crossings.

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. Section 4.2.1 of Cataraqui Conservation's Planning Policy suggests that development and site alteration should be directed to areas outside of lands that are subject to erosion hazards. Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till of 3(h):1(v), plus an access allowance of 6 metres.

Staff are satisfied that the lots to be severed and the lot to be retained contain suitable development envelopes outside of any area that may be susceptible to erosion.

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, Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Staff are satisfied that there will be an appropriate buffer between the proposed building envelopes and the watercourses on the property.

Recommendation

Staff have no objection to the approval of applications S-41-20-S and S-42-20-S based on our consideration for natural hazards, natural heritage and water quality protection policies. However, staff recommend that a condition of approval be added requiring the applicants to obtain a permit under Ontario Regulation 148/06 for the laneway culvert crossings.

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 e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Anna Geladi, South Frontenac Township (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)
Kevin & Kerstin MacKay, applicants (via e-mail)

Christine Woods

From: planning
Sent: June 25, 2020 8:40 AM
To: Christine Woods
Subject: FW: Letter of Objection - Consent applications for 3467 Latimer Road
Attachments: IMG_5885.jpg; IMG_5890.jpg; Letter of Objection for Consents - 3467 Latimer Road.pdf

Michelle Hannah
Planning Assistant
Township of South Frontenac
Box 100, Sydenham, Ontario K0H 2T0
613-376-3027 Ext. 2224
613-376-6657 (Fax)

Natural, Vibrant and Growing - a Progressive Rural Leader

From: Chris Wicke [redacted]
Sent: March-12-20 3:37 PM
To: planning <planning@southfrontenac.net>
Subject: Letter of Objection - Consent applications for 3467 Latimer Road

Hello Ms. Hannah,

Please find attached my letter of objection regarding the applications for consent (Files Number S-35-19-S and S-35-19-S) located adjacent to the lands municipally known as 3467 Latimer Road. Please circulate it to the members of the Committee of Adjustment.

Can you please also provide the attached photos as well as additional exhibits.

Thank you and best regards,

Chris Wicke
[redacted]

Chris Wicke
[redacted]

Dear Members of the Committee of Adjustment,

We wish to oppose the proposed consents (Files Number S-35-19-S and S-35-19-S) located adjacent to the lands municipally known as 3467 Latimer Road. My wife, our four children and I have been residents of Latimer Road for eight years. We have a number of concerns regarding the appropriateness of the proposed consents for residential development related to the *Planning Act*, Provincial Policy Statement, and Township of South Frontenac Official Plan.

I have an initial concern about due process. Signage was not posted in accordance with the timing required under the *Planning Act* – I drive by the site daily and only noted the signs on March 11, 2020, though the application was slated for the March 12 meeting. Under the *Planning Act*, notice is required at least 14 days in advance of the meeting (53 (5)). Further, signage was posted beneath a 'No Trespassing' sign and across a ditch that is filled with ice and water, making it almost impossible to access for residents outside of the 60 metre public notice mailing radius.

In brief, the proposed applications for consent for residential lots would do the following:

- Conflict with the Provincial Policy Statement, as they do not direct residential growth to settlement areas (PPS Sections 1.1.3.2, 1.1.4.1, 1.1.4.2) or represent appropriate intensification (1.1.3.3, 1.1.3.5);
- Negatively affect the rural character of the land by removing what have until very recently (as of the construction of the new dwelling) been active agricultural lands from production permanently;
- Negatively affects the operations and ultimate viability of local agricultural operations – both at the Bovey cattle farm and Under the Cross horse farm (1.1.5.7, 1.1.5.8) and would harm the long-term economic prosperity of the agri-businesses in rural area and access to local food (1.7.1(h)) – thereby further undermining the rural character of the area;
- Does not appropriately address required minimum distance separation by excluding measurement to the Bovey farm (1.1.5.9, OP Section 7.1 (l));
- Significantly increases the likelihood of nuisance complaints against normal farm practices for existing operations;

- Locates a driveway for one lot in proximity to a challenging and tight curve in the main road (7.1 (i), increasing risk for not only drivers and pedestrians but also riders from adjacent horse farm.
- Provides extremely limited locations for proposed houses – including the retained house;
- Proposes an awkward lot configuration that is not compliant with OP land division policies (7.1 (d))– and these lot configurations are likely the only ones possible due to the required MDS separations;
- Further exacerbates existing issues with drainage (7.1 (e)) in a sensitive surface water area – the area is prone to flooding, evidenced by changes made by the current residents of 3467 Latimer Road to the drainage pattern of the land through the construction of a non-permitted watercourse change – the digging of a long ditch - which is not indicated on the provided drawings (7.1 (f)) - that redirects water to a protected creek;
- Ignores an enforcement situation currently under investigation by the Cataraqui Region Conservation Area - The watercourse works (new drainage ditch) have been considered an alteration to a watercourse under Ontario Regulation 148/06 and are considered by the CRCA to be a violation under their regulation.

Overall, conformity with the applicable planning documents, including the Township's Official Plan, is a prerequisite to granting consent. Among many shortcomings, this application does not meet those requirements. A peer review would also be appropriate for the MDS calculations, given its omissions and potential impact in this situation.

I urge the Committee to reject these applications for consent, as they do not represent good land use planning, are clearly inappropriate given the context, and would create both present and future negative impacts on the existing and proposed lots as well as on the adjacent and surrounding lands. There are appropriate places for residential development to be located in our community. This isn't one of them.

I wish to receive written notice regarding any action related to this application.

Thank you for your attention in this matter.

Chris Wicke
[redacted]


PRIVATE
PROPERTY



Christine Woods

From: planning
Sent: June 25, 2020 8:40 AM
To: Christine Woods
Subject: FW: Questions about Files S-34-19-S and S-35-19-S

Michelle Hannah
Planning Assistant
Township of South Frontenac
Box 100, Sydenham, Ontario K0H 2T0
613-376-3027 Ext. 2224
613-376-6657 (Fax)

Natural, Vibrant and Growing - a Progressive Rural Leader

From: Kevin Bovey [redacted]
Sent: March-03-20 11:14 AM
To: planning <planning@southfrontenac.net>
Subject: Questions about Files S-34-19-S and S-35-19-S

Hi Michelle,

I got your letters in the mail today.
I would lke to ask a few questions please.

Our farms are at 3328 Latimer and 3293 Latimer Rd and our north east pasture/field borders the proposed severances.
The colored top view that came is very difficult to see. Even under magnification I cant make out all the information.
Thought it would be easiest to ask the questions.

Questions
1) It appears that there is a circle indicating a MDS from the horse farm across the road. I dont see a MDS for either of my two farms which are close. Should we have one?
2) Is the smaller circle a MDS for the small sheep and goat farm to the north of the proposed severances?
3) Are these proposed severances not considered irregular? That was a common problem a few years back and just wondered if this is now ok?
4) The proposed severances show future house/well/septics, All of these are within 30-40 meters of our pasture/hay field. Is this ok? I just dont want a future neighbor getting upset about a moo or a cow poo.

I'm not against the severances just want to find out more information.

thanks very much
Kevin

--
Kevin Bovey

[redacted]

Michelle Hannah

To: Christine Woods
Subject: RE: Concerns about proposed lots on Latimer Road

From: Suzanne Bovey [mailto:suzanne.bovey@gmail.com]
Sent: October 5, 2020 2:05 PM
To: Christine Woods <cwoods@southfrontenac.net>
Subject: Concerns about proposed lots on Latimer Road

Dear South Frontenac Planning Department and Committee of Adjustment,

I am writing to express my concerns and oppositions to the proposed lots on Latimer Road.

My husband and I live at 3328 Latimer Road. We operate a 220 acre beef farm. I have lived in South Frontenac township my entire life,we have raised our children here. My family has owned businesses in South Frontenac Township since 1988 and we currently own and operate Maple Country Home & Farm in Inverary.

We enjoy living here.

The field that is in questions already has one home that was built in 2019. We did not receive official notice prior to that home being built. When we received notice at the beginning of March that two more lots were going to be created we had some concerns. Our farm's MDS was not on the map as well as others.
After some investigation we found out that none of the MDS calculations were done properly. I feel very strongly that these need to be done properly to maximum capacity throughout the township. This is the only way to protect the future of farms.

The proposed lots are surrounded by 5 farms. With most MDS calculations done properly it really reduces the area where houses can be built. It also shows that the first house should have never been built where it is. If you notice the proposed wells are also very close to our fence line. The lots lines have been made irregular in order to get two homes in.

Kevin and I have always planned to build a heifer barn either at 3328 or 3293 Latimer Road. We would have to follow MDS rules but I can't help but think two more houses would make it that much more difficult. What happens when our cows are peeing or pooping 30' from their wells, or we spread manure, or when our cows ball for a week when we wean their calves. I can just imagine the phone calls ourselves and our councillors will get. Will these 2 new houses hurt the future of the surrounding farms? We believe it will!

If these lots go through the surrounding farmers can never increase their herds whether it be cattle, pigs, horses, sheep/goats etc, and will not be able to build any new barns or additions. We have some very enthusiastic young farmers in our area. This is so important when in our area there are less farms all the time.

Farming is our passion. We believe you should consider not approving these lots because agriculture should be a priority.

Sincerely,
Suzanne and Kevin Bovey

Chris Wicke
3287 Latimer Road
Elginburg, Ontario K0H 1M0
chris.wicke@hotmail.com
(613) 453-3265

Wednesday, October 7, 2020

Dear Members of the Committee of Adjustment,

We wish to oppose the proposed consents (Files Number S-34-19-S and S-35-19-S) located adjacent to the lands municipally known as 3467 Latimer Road. We provided a previous letter of objection in March 2020, and I spoke to the Committee at that time, but we have further concerns to raise as part of the deliberation of this application.

A municipal Staff Report has been provided for both applications providing a recommendation of approval. However, there are a number of shortcomings that make it clear that the report considered only parts of the applicable policies, rather than the overall intent.

Provincial Policy Statement (PPS)

The Staff Reports state that the applications are "consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*)". However, the reports refer to only one section of the PPS, stating "The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including residential lot creation and development that is compatible with the rural landscape (section 1.1.5)."

One further part of the same Section 1.1.5 not considered in the Staff reports is the following:

- Section 1.1.5.7 - Opportunities **to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.**

Further, the Report does not offer any thoughts regarding other PPS policies not aligned with the proposed development, including the following:

- PPS Sections 1.1.3.2 – **Settlement areas shall be the focus of growth and development**;
- Section 1.1.3.3 - Planning authorities shall identify appropriate locations and promote opportunities for… accommodating a significant supply and range of *housing options* through ***intensification* and *redevelopment;*** (this is neither)
- Section 1.1.3.5 - Planning authorities shall establish and implement minimum targets for ***intensification* and *redevelopment* within built-up areas**, based on local conditions;
- Section 1.1.4.1 - Healthy, integrated and viable *rural areas* should be supported by: a) **building upon rural character, and leveraging rural amenities and assets;** c) accommodating an appropriate range and mix of housing **in rural *settlement areas***;

- Section 1.1.4.2 - In *rural areas*, **rural *settlement areas* shall be the focus of growth** and development and their vitality and regeneration shall be promoted.

All that to say – according to the PPS, residential development in the rural area should be directed through intensification to settlement areas, and agricultural uses should be protected. This is not the appropriate place for new residential lots.

Township of Frontenac Official Plan

The Reports state that the applications "Conforms with the Township of South Frontenac Official Plan (5.2, 5.7.4 & 7.1)" These sections address Environmental Protection (5.2), Rural Residential Policies (5.7.4) and General Consent Policies applicable to All Land Use Designations (7.1). However, there are other relevant policies that have not been examined.

The Reports do not address whether this type of development conforms with the overall intent of the Official Plan – it does not.

Section 4.2 – Housing Goal states that "This Official Plan will encourage residential development which is affordable, of high quality and capable of meeting the changing and diverse needs of the rural community. **Such development will be carefully planned to reduce land use conflicts, provide longterm protection of the environment and minimize the municipal servicing costs.** Among the Objectives for this goal is "(ii) to maintain the established rural character of the community. This will be accomplished by zoning controls which **reduce land use conflicts, minimize the impact of development on traditional rural activities** and place environmental concerns ahead of residential growth."

Look at where the potential building envelopes are located. They are poorly located across a ditch, far from the frontage and squeezed by the surrounding uses, and they will be pushing back against these adjacent uses if established – clearly an indicator of incompatibility.

Even more significant is *Section 4.3 – Agricultural and Rural Goal* which states that "The Rural and Agricultural Goal of this Official Plan is to preserve the Township's established rural character and agricultural industry." When read, it's clear that every one of these objectives is violated by the proposed residential development. The objectives are as follows:

"(a) Objectives

(i) to protect agriculturally productive land from the **encroachment of incompatible land uses by restricting the location of residential**, commercial and industrial development on such land and by **encouraging such uses not to locate on productive agricultural land**s.
(ii) to **maintain agriculturally productive lands in economically viable units** by preventing the **fragmentation of such land**.
(iii) to protect the viability of confinement livestock enterprises by **limiting the encroachment of non-agricultural uses**.
(iv) to protect the established rural character of the Township from

uncontrolled strip development.

The proposed development does the opposite of every one of these objectives. It would locate a strip of three residential lots on what is still productive agricultural lands, and encroach on other surrounding agricultural lands, significantly increasing the likelihood of land use conflicts.

Fragmentation

As is recognized in the objectives, fragmentation of farmland erodes its usefulness. At the previous meeting in March, the applicant spoke to how portions of the property will remain as hay fields. This does not seem at all likely.

Simply looking at the recent residential construction on the land, it's clear that the potential for retaining usable farmland is going to be damaged. To start, the entire front area of the recent dwelling (the retained lot) and a large area behind it is now a residential lawn and septic field where it used to be productive agricultural land. You can expect that the construction of two additional dwellings will result in a similar change to the landscape, with residential buildings, surrounding lawns, septic fields and parking areas taking the place of agricultural operations, with no tools available to ensure anything to the contrary if these consents are approved and eventually sold as building lots. Whatever is useable beyond the immediate building envelopes would be further fragmented by driveways and the ditch which was dug by the applicant in 2019 without permission and that has subsequently resulted in additional conditions from the CRCA for the application. (Please see *Appendix A* for a map of the potential fragmentation of the lands).

The application submitted by the landowner describes the land as 'vacant'. It is not vacant – it does not have any buildings on it, but it is active and valuable farmland that supports local farmers. **Once farmland becomes housing, it does not return – and this jeopardizes the foundation of our community.**

Minimum Distance Separation Calculations

According to Section 1.1.5.8 of the PPS, "new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*." The applications originally submitted for the proposed consents contained several errors and omissions, including excluding nearby farms and underestimating required setbacks, and municipal staff have had to do further work to verify and revise these distances. Unfortunately, a quick review and replication of the additional calculations reveals further errors with the results in the Staff Report.

MDS calculations are to be calculated to the most conservative estimate, with required setbacks based on either the area of the livestock barn or the number of animals housed in it, whichever results in the greater setback. Using the area of the barn at 3471 Latimer Road (adjacent goat farm), measured at 160 square metres using Google mapping, an MDS calculation showed a required setback to be 98 metres, as opposed to the 87 metres indicated by municipal staff, and further in excess of the 81 metres originally indicated by the applicant.

(Please see Appendix B for a measurement of the barn and the MDS calculation). This increased setback requirement would encompass both the proposed building location and the proposed well location, and would likely reduce the building envelope below 0.5 hectares.

The change in the setback for the adjacent horse farm at 3410 Latimer Road moves the required setback away from the property in question, with the explanation in the Staff Report that the building is currently used for purposes other than housing livestock. However, the proposed residential development would have the ironic result of potentially barring that structure from being used as a livestock barn in the future based on an MDS II calculation – exactly the type of limitation to agricultural use that could be avoided by this Committee.

As stated previously, conformity with the applicable planning documents is necessary to grant a consent. This application does not meet those requirements. In summary, the proposed development of two residential lots does the following:

- It is contrary to the intent of the Provincial Policy Statement;
- It is contrary to the goals and intent of the Township of South Frontenac Official Plan;
- It would fracture and sterilize what is still active farmland; and
- It endangers the viability of nearby agricultural operations through land use conflicts.

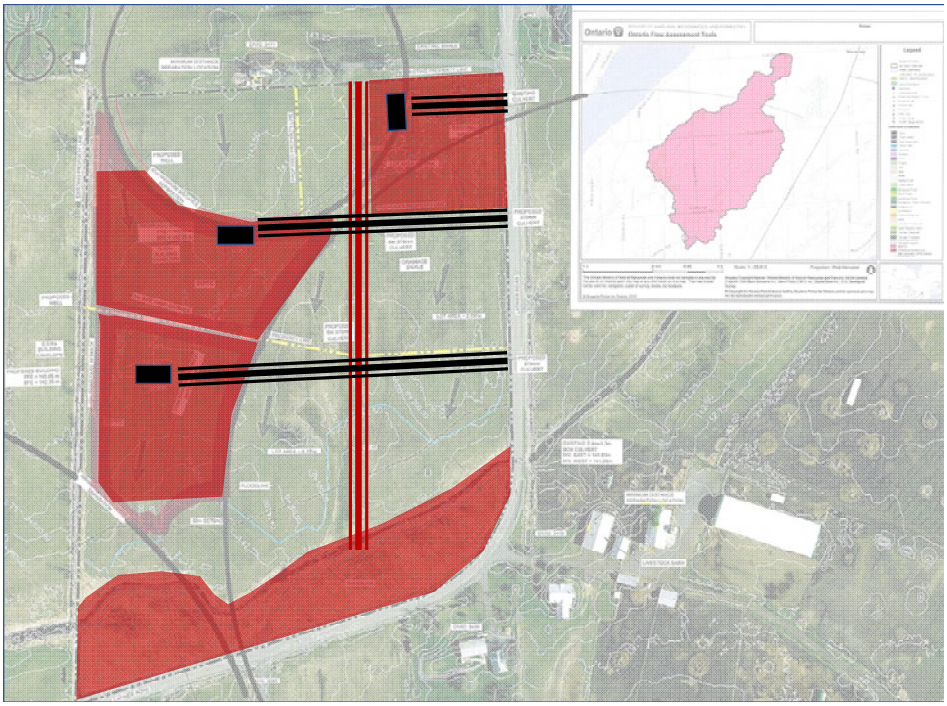
On these grounds, among others, I ask you to please reject these applications for consent. They do not represent good land use planning, are clearly inappropriate given the context, and would create both present and future negative impacts on the existing and proposed lots as well as on the adjacent and surrounding lands. Again, there are more appropriate places for residential development in our community. This is not one of them.

Thank you again for your consideration.

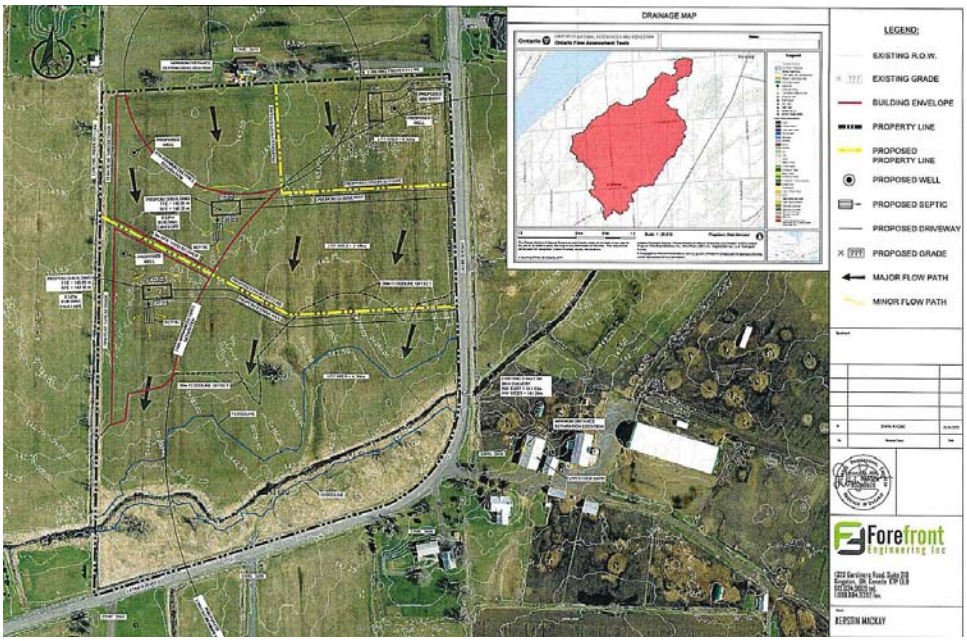
Chris Wicke
3287 Latimer Road

Appendix A – Fragmentation of the Lands near 3467 Latimer Road

Illustration of lands (in red) to be removed from potential for agricultural production.



Proposed lots for reference



Appendix B – Minimum Distance Separation Calculations



Livestock/Manure Information

Is there ONLY a manure storage on this lot (i.e. no existing livestock barn)?	No
Is there an anaerobic digester on this lot?	No
The livestock/manure information for this location has been confirmed with the property owner and/or farm operator?	Yes

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Goats, Does & bucks (for meat; includes unweaned offspring)	115	14.4	160 m²

Add Livestock/Manure

Calculation Summary

Design Capacity (NU):	14.4
Potential Design Capacity (NU):	14.4

Factor A (Odour Potential)		Factor B (Size)		Factor D (Manure Type)		Factor E (Encroaching Land Use)		Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X	181.24	X	0.7	X	1.1	=	98 m (321 ft)	TBD

Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
98 m (321 ft)	TBD

GENERAL

1. All works to be installed in accordance with current Township of South Frontenac Guidelines, Ontario Building Code and, Ontario Provincial Standard Specifications and Drawings unless specified otherwise.
2. Prior to construction, Contractor to verify all dimensions, sewer inverts and utility locates and identify possible conflicts.
3. In the event that human remains are encountered during construction, the Contractor shall immediately contact the Ministry of Tourism Culture and Sport, the Registrar of the Cemeteries Regulation Unit from the Ministry of Consumer Services, at (416) 326-8393 and Ontario Provincial Police.

GRADING

1. Finished surfaces shall be at a minimum grade of 2% unless otherwise noted.
2. Slopes in landscaped areas shall not exceed 3:1.
3. All existing elevations and grades are to be verified by the contractor prior to grading
4. Utilities are to be located prior to construction
5. All ground surfaces shall be graded to prevent ponding and without low areas except where approved swale or catchbasin outlets are provided.
6. Maximum hard surface grades are to be 8.0%.
7. Conflicts between the architectural drawings and grading shall be brought to the attention of the contract administrator.
8. The contractor is responsible for reviewing proposed grades with conflicts regarding the proposed structures.
9. Sub-drain and outlet elevations are to be confirmed prior to construction any structures.
10. Sub-grade shall be graded at a minimum of 2%, until a lower ditch is encountered or the existing surface drains away from the sloped sub-grade.
11. Gravel areas include all rounding required to maintain the proposed gravel pad edges.

SEDIMENT AND EROSION CONTROL NOTES

1. All erosion and sediment controls shall be installed prior to construction and monitored and maintained by the Contractor throughout the construction process, until all disturbed areas have been revegetated then the temporary sediment and erosion control measures must be removed once the site has been stabilized/completed of site works.
2. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of CRCA.
3. Regardless of site specific items detailed on the plans, the Contractor shall install erosion control measures to suit the proposed work methods to control sediment from running off the site prior to any disturbance.
4. Staked straw bale filters and flow checks to be installed as per OPSD 219.100 and OPSD 219.180.

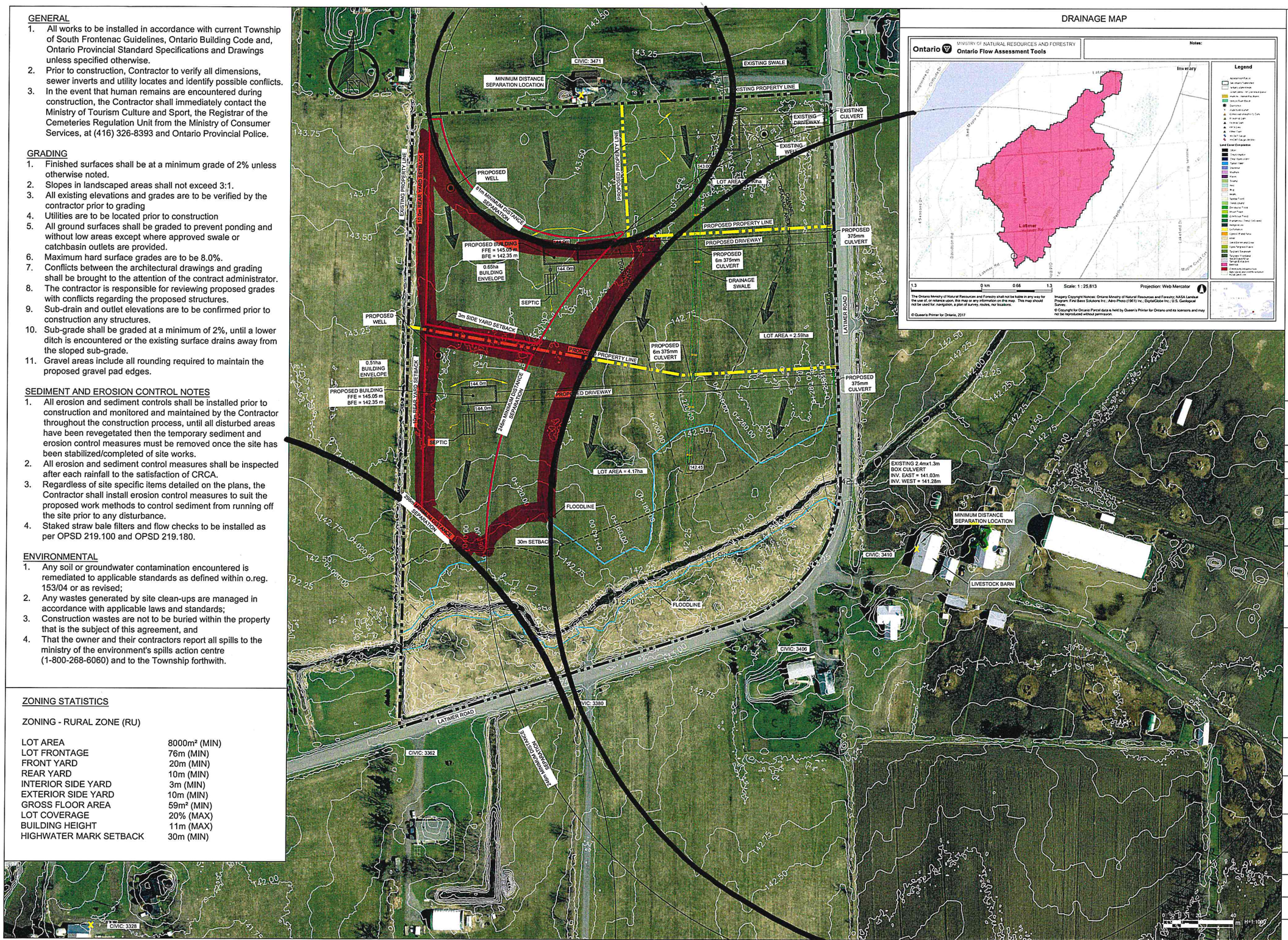
ENVIRONMENTAL

1. Any soil or groundwater contamination encountered is remediated to applicable standards as defined within o.reg. 153/04 or as revised;
2. Any wastes generated by site clean-ups are managed in accordance with applicable laws and standards;
3. Construction wastes are not to be buried within the property that is the subject of this agreement, and
4. That the owner and their contractors report all spills to the ministry of the environment's spills action centre (1-800-268-6060) and to the Township forthwith.

ZONING STATISTICS

ZONING - RURAL ZONE (RU)

LOT AREA	8000m² (MIN)
LOT FRONTAGE	76m (MIN)
FRONT YARD	20m (MIN)
REAR YARD	10m (MIN)
INTERIOR SIDE YARD	3m (MIN)
EXTERIOR SIDE YARD	10m (MIN)
GROSS FLOOR AREA	59m² (MIN)
LOT COVERAGE	20% (MAX)
BUILDING HEIGHT	11m (MAX)
HIGHWATER MARK SETBACK	30m (MIN)



DRAINAGE MAP

LEGEND:

- EXISTING R.O.W.
- EXISTING GRADE
- BUILDING ENVELOPE
- PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED WELL
- PROPOSED SEPTIC
- PROPOSED DRIVEWAY
- PROPOSED GRADE
- MAJOR FLOW PATH
- MINOR FLOW PATH

Benchmark

R2	AS PER AGENCY COMMENTS	17/08/2020
R1	GENERAL REVISIONS	23/01/2020
No.	Revision/Issue	Date

LICENSED PROFESSIONAL ENGINEER D. F. FORSTER 90298928 PROVINCE OF ONTARIO August 19, 2020

Forefront Engineering Inc
1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8
613.634.9009 tel.
1.888.884.9392 fax.

Client: KERSTIN MACKAY

Project: LATIMER ROAD

Drawing: SITE PLAN

Drawn by: JB	Checked by: DP	Project No.
Designed by: DP	Approved by: DP	Drawing No. SK1
Date: JANUARY 2020		
Scale: 1:1000		

Markups by Christine Woods

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020

Application No: S-34-19-S
Owners: Kevin and Kerstin MacKay
Location of Property: Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road
Purpose of Application: Consent for the creation of a new residential lot
Date of Hearing: March 12, 2020

Recommendation: That provisional consent be:

✓ granted with conditions (attached)

deferred

denied

Purpose:

enlarge abutting lot

✓ create new lot

right-of-way / easement

other:

Area Severed: +/-3.8 hectares (+/-9.4 acres) **Frontage:** +/-100 metres (+/-328 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Severed lot is vacant.
Area Retained: +/-3.8 hectares (+/-9.4 acres) **Frontage:** +/-160 metres (+/-525 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Retained lot contains a single detached dwelling.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Conforms with section 51(24) of the *Planning Act*;

✓ Conforms with the County of Frontenac Official Plan (3.3 & 7.3.2);

✓ Conforms with the Township of South Frontenac Official Plan (5.2, 5.7.4 & 7.1); and

✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance).

Proposal

The purpose of this consent application is to seek permission to create an approximately 3.8 hectare (9.4 acre) vacant residential lot with approximately 100 metres (328 feet) of frontage along the north-south portion of Latimer Road. The retained parcel consists of approximately 3.8 hectares (9.4 acres) with approximately 160 metres (525 feet) of frontage along Latimer Road. There is a single detached dwelling at the north end of the retained parcel.

The subject property is also subject to Consent Application S-35-19-S to create a second vacant residential lot.

The proposed lot boundary between the severed parcels was revised twice by the applicants to accommodate building envelopes that would meet minimum zoning and Minimum Distance Separation requirements.

The subject property is located north and west of Latimer Road, just south of Holmes Road. The topography is generally flat with surface drainage toward a watercourse that flows from east to west across the southern portion of the property. A ditch was constructed earlier this year from the north end of the subject property near the dwelling to the watercourse, to improve drainage in the area of the dwelling.

Agency and Public Comments

Comments from agencies and the public are summarized in this section of this report.

Public Services – The Director of Public Services provided comments on July 14, 2020, and has no objection to the approval of the application. There are adequate sight lines for a proposed entrance. There may be drainage issues on the property outside the municipal road allowance. A road widening is not required in this location. The standard condition requiring the applicant to enter into a development agreement to address lot grading and drainage prior to the issuance of a building permit and the requirement to obtain an entrance permit addresses the requirements of the Public Services Department on this application.

KLF&A Public Health – KFL&A Public Health indicated on March 19, 2020, that it has no objection to the approval of the application. It was noted that the proposed lot is capable of providing flexibility in siting a sewage disposal system. Specific requirements for soil conditions will be indicated on an Application to Construct a Sewage System prior to site development.

Cataraqui Conservation – On June 3, 2020, Cataraqui Conservation staff recommended deferral of the application until the applicant demonstrated safe access to the proposed building envelopes over the ditch was constructed from the north end of the subject property near the dwelling to the watercourse. On October 2, 2020, Cataraqui Conservation staff indicated that they are satisfied with the findings of an engineering opinion on this topic (Forefront Engineering Inc., August 12, 2020). Staff indicated that they have no objection to the approval of the application, and recommended that the approval include a recommendation requiring the applicants to obtain a permit under Ontario Regulation 148/06 for the required laneway culvert crossings.

Public Comments – To date, written comments have been received from two members of the public.

Kevin Bovey (3328 Latimer Road) raised concerns that Minimum Distance Separation (MDS I) calculations were not completed for his farms, and that the Farm Data Sheets did not accurately reflect the capacity of the farming operations that surround the subject lands. Concerns were also

raised about the proximity of drilled wells to his pasture/hay field (e.g. potential complaints/contamination) and future neighbour complaints about his livestock (e.g. noise, smell), as well as the irregular shape of the lots.

Chris Wicke (3287 Latimer Road) provided a letter of opposition to the applications. This individual raised concerns about the appropriateness of the proposed consents for residential development related to Planning Act, Provincial Policy Statement 2014 (PPS), and Township of South Frontenac Official Plan. It is his opinion that:

- the applications conflict with the PPS,
- Minimum Distance Separation was not appropriately addressed because calculations were not completed for one of the farms,
- residential lots will increase the likelihood of nuisance complaints against normal farm practices for existing operations,
- one of the driveways would be located close to a challenging and tight curve,
- there would be extremely limited locations for houses on the lots,
- the lot configurations are awkward, and
- the development will exacerbate existing issues with drainage in a flood-prone area.

This individual recommended that the MDS calculations be subject to peer review due to omissions and the potential impact on the proposal.

Planning Analysis

There are three main policy themes that apply to the proposed severance. These are rural residential development, Minimum Distance Separation, and development in an Environmentally Sensitive Area.

Rural Residential Development

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including residential lot creation and development that is compatible with the rural landscape (section 1.1.5).

Similarly, section 5.7 of the Township Official Plan indicates that rurally oriented non-farm residential, along with agricultural, is one of the predominant uses of land in the Rural designation. Section 5.7.4 states that “It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township’s Settlement Areas. However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas… and natural hazards.” This separation is provided for the proposed severed parcel by Minimum Distance Separation from livestock facilities (barns) and setbacks from watercourses and floodplains.

The proposed severed parcel meets the Rural Residential policies (section 5.7.4(ii)) including having a frontage, size and shape that conforms to the Zoning By-law, the ability to be serviced by private water and sewage disposal systems, and having frontage on a public road. It is the opinion of staff that the consent generally provides for a satisfactory geometric design of the parcel (section 7.1(d)).

Minimum Distance Separation

In conformity with the PPS, the Township Official Plan requires all division of land for non-farm uses to comply with the Minimum Distance Separation Formulae I (MDS I) (section 7.1(l)). The Zoning By-law also requires residential development to comply with MDS I.

Township staff calculated MDS I for three of the four livestock operations based on Farm Data Sheets provided by the Owners prior to submission of the consent application. These separation distances were incorporated into the original submission.

Upon further review of the file following the public meeting, staff determined that Farm Data Sheets had been provided for the fourth livestock operation, but the calculations had not been completed for the fourth operation. As a result of the public comments received, staff requested the four farm operators that could be impacted by the consent application to review the Farm Data Sheets that had been submitted and to provide additional or corrected information if appropriate. Staff calculated MDS I for five livestock barns and manure storages based on the feedback provided by each of the farm operators.

Staff calculated MDS I using the formulae and guidelines in Publication 853: The Minimum Distance Separation (MDS) Document (OMAFRA, 2016). Guideline #41 outlines how MDS I setbacks are measured for the creation of lots. This guideline indicates that "*for proposed lots without an existing dwelling that are > than 1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters".*

The following table identifies the required MDS I setbacks for each of the surrounding livestock barns and manure storages based on the most recent farm data sheet information, with the exception of 3410 Latimer Road. The original MDS I calculation for 3410 Latimer Road resulted in a more conservative setback.

Location of Livestock Barn and Manure Storage	**Actual Distance from Livestock Barn and Manure Storage to Subject Property (Metres)**	**Minimum Required MDS I Setback (Metres)**
3328 Latimer Road	210	298
3293 Latimer Road	290	229
3471 Latimer Road	1	87
3380 Latimer Road	315	104
3410 Latimer Road	85	246

A revised lot layout (Forefront Engineering Inc., August 12, 2020), as further marked-up by Township staff, (Attachment 1) reflects these MDS I setbacks. The revised lot layout demonstrates that the severed parcel is capable of having a building envelope greater than 0.5 hectares in area as required by the MDS Document (OMAFRA, 2016). Staff note that the MDS I setback from 3410 Latimer Road was originally measured from a building that is not a livestock barn. The closest livestock barn is farther onto the property, meaning that the MDS I setback impacts less of the severed parcel. This is illustrated by the mark-ups on the site plan. The revised lot layout also demonstrates that it is possible to further adjust the proposed lot line between the severed parcel and the severed parcel associated with application S-35-19-S, and continue to comply with Guideline #41 of the MDS Document.

Environmentally Sensitive Area

In conformity to the PPS, the Township Official Plan specifies that consents shall not be granted for a parcel of land which is subject to flooding or erosion (section 7.1(e)). In the absence of detailed floodplain mapping, and where a flooding hazard is suspected a proponent may be required to detail the extent of any hazard lands (section 5.2.3(e)). A drainage analysis was prepared by Forefront Engineering Inc. (dated October 4, 2019, revised January 24, 2020) in support of the consent application. The analysis defined the extent of the 1:100 year flood plain on the subject lands, and demonstrated that the severed parcel contains a building envelope outside the floodplain.

Following submission of the consent application and the drainage analysis, a ditch was constructed from the north end of the subject property near the dwelling to the watercourse. Floodwaters have the potential to back up the ditch impacted driveways. At the request of Cataraqui Conservation, an additional drainage analysis was prepared by Forefront Engineering Inc. (August 12, 2020) that demonstrates that safe access to the proposed building envelopes can be achieved across the ditch. Cataraqui Conservation staff indicated that they are satisfied with the findings of this engineering opinion.

The documentation also demonstrated that the severed parcel contains a building envelope outside the minimum 30 metre setback required from the high water mark of a watercourse as required by Official Plan section 5.2.7(b) and Zoning By-law section 5.8.2(a).

Conclusion

It is recommended that application S-34-19-S be **approved** for the consent to create a new residential lot in Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road, subject to conditions.

Recommended Conditions for Consent Application S-34-19-S

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 Certificate of Official issuance. The deed must be registered within two years of the issuance of the Certificate of Official.

Severed Lands

2. The land to be severed by Consent Application S-34-19-S shall be for the creation of one new lot with +/-3.8 hectares (+/-9.4 acres) of vacant land with +/-100 metres (+/-328 feet) on Latimer Road.

3. The land to be severed by Consent Application S-34-19-S shall be finalized and the transfer be registered prior to finalizing the land to be severed by Consent Application S-35-19-S.

Survey/Reference Plan or Registerable Description

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

5. The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Drainage Easement

6. A surveyed drainage easement shall be established over the ditch servicing the retained parcel and the lands within 6 metres of both sides of the ditch, and shall be registered on title in favour of the land to be severed by Consent Application S-34-19-S, the land to be severed by Consent Application S-35-19-S, and the retained parcel, to the satisfaction of the Township Development Services staff.

Road Widening

7. The surveyor who prepares the reference plan referred to in Condition #3 and #4 shall also determine by survey the width of the public road to be 66 feet. If such width is less than 66 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner;

    a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to issuing the Certificate of Official;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;

    e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

Municipal Requirements

8. 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 issuance of the Certificate of Official.

9. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed, in lieu of parkland [Planning Act, s. 51(1)].

10. In the event that there are abandoned wells located on the severed parcel or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

11. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcel to address the development of the lot, including an entrance permit, demonstration of potable water, and a lot grading and drainage plan to be submitted at the building permit stage. The agreement will also include a site plan revised to identify the final MDS I setbacks from each livestock facility and drainage easement, and will notify owners of the applicability of Ontario Regulation 148/06.

Zoning

12. Where a violation of Township of South Frontenac Comprehensive Zoning By-law 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: June 29, 2020

Attachment: Site Plan prepared by Forefront Engineering, dated January 2020, revised August 12, 2020, and marked-up by Township staff October 2, 2020.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 7, 2020

Application No: S-34-19-S
Owners: Kevin and Kerstin MacKay
Location of Property: Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road
Purpose of Application: Consent for the creation of a new residential lot
Date of Hearing: March 12, 2020

Recommendation: That provisional consent be:

✓ granted with conditions (attached)

deferred

denied

Purpose:

enlarge abutting lot

✓ create new lot

right-of-way / easement

other:

Area Severed: +/-2.6 hectares (+/-6.4 acres) **Frontage:** +/-80 metres (+/-262.5 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Severed lot is vacant.
Area Retained: +/-1.2 hectares (+/-3 acres) **Frontage:** +/-80 metres (+/-262.5 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Retained lot contains an existing single detached dwelling.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Conforms with section 51(24) of the *Planning Act*;

✓ Conforms with the County of Frontenac Official Plan (3.3 & 7.3.2);

✓ Conforms with the Township of South Frontenac Official Plan (5.2, 5.7.4 & 7.1); and

- ✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance).

Proposal

The purpose of this consent application is to seek permission to create an approximately 2.6 hectares (6.4 acres) vacant residential lot with approximately 80 metres (262.5 feet) of frontage along the north-south portion of Latimer Road. The retained parcel consists of approximately 3.8 hectares (9.4 acres) with approximately 160 metres (525 feet) of frontage along Latimer Road. There is a single detached dwelling at the north end of the retained parcel.

The subject property is also subject to Consent Application S-35-19-S to create a second vacant residential lot.

The proposed lot boundary between the severed parcels was revised twice by the applicants to accommodate building envelopes that would meet minimum zoning and Minimum Distance Separation requirements.

The subject property is located north and west of Latimer Road, just south of Holmes Road. The topography is generally flat with surface drainage toward a watercourse that flows from east to west across the southern portion of the property. A ditch was constructed earlier this year from the north end of the subject property near the dwelling to the watercourse, to improve drainage in the area of the dwelling.

Agency and Public Comments

Comments from agencies and the public are summarized in this section of this report.

Public Services – The Director of Public Services provided comments on July 14, 2020, and has no objection to the approval of the application. There are adequate sight lines for a proposed entrance. There may be drainage issues on the property outside the municipal road allowance. A road widening is not required in this location. The standard condition requiring the applicant to enter into a development agreement to address lot grading and drainage prior to the issuance of a building permit and the requirement to obtain an entrance permit addresses the requirements of the Public Services Department on this application.

KLF&A Public Health – KFL&A Public Health indicated on March 19, 2020, that it has no objection to the approval of the application. It was noted that the proposed lot is capable of providing flexibility in siting a sewage disposal system. Specific requirements for soil conditions will be indicated on an Application to Construct a Sewage System prior to site development.

Cataraqui Conservation – On June 3, 2020, Cataraqui Conservation staff recommended deferral of the application until the applicant demonstrated safe access to the proposed building envelopes over the ditch was constructed from the north end of the subject property near the dwelling to the watercourse. On October 2, 2020, Cataraqui Conservation staff indicated that they are satisfied with the findings of an engineering opinion on this topic (Forefront Engineering Inc., August 12, 2020). Staff indicated that they have no objection to the approval of the application, and recommended that the approval include a recommendation requiring the applicants to obtain a permit under Ontario Regulation 148/06 for the required laneway culvert crossings.

Public Comments – To date, written comments have been received from two members of the public.

Kevin Bovey (3328 Latimer Road) raised concerns that Minimum Distance Separation (MDS I) calculations were not completed for his farms, and that the Farm Data Sheets did not accurately reflect the capacity of the farming operations that surround the subject lands. Concerns were also

raised about the proximity of drilled wells to his pasture/hay field (e.g. potential complaints/contamination) and future neighbour complaints about his livestock (e.g. noise, smell), as well as the irregular shape of the lots.

Chris Wicke (3287 Latimer Road) provided a letter of opposition to the applications. This individual raised concerns about the appropriateness of the proposed consents for residential development related to Planning Act, Provincial Policy Statement 2014 (PPS), and Township of South Frontenac Official Plan. It is his opinion that:

- the applications conflict with the PPS,
- Minimum Distance Separation was not appropriately addressed because calculations were not completed for one of the farms,
- residential lots will increase the likelihood of nuisance complaints against normal farm practices for existing operations,
- one of the driveways would be located close to a challenging and tight curve,
- there would be extremely limited locations for houses on the lots,
- the lot configurations are awkward, and
- the development will exacerbate existing issues with drainage in a flood-prone area.

This individual recommended that the MDS calculations be subject to peer review due to omissions and the potential impact on the proposal.

Planning Analysis

There are three main policy themes that apply to the proposed severance. These are rural residential development, Minimum Distance Separation, and development in an Environmentally Sensitive Area.

Rural Residential Development

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including residential lot creation and development that is compatible with the rural landscape (section 1.1.5).

Similarly, section 5.7 of the Township Official Plan indicates that rurally oriented non-farm residential, along with agricultural, is one of the predominant uses of land in the Rural designation. Section 5.7.4 states that “It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township’s Settlement Areas. However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas… and natural hazards.” This separation is provided for the proposed severed parcel by Minimum Distance Separation from livestock facilities (barns) and setbacks from watercourses and floodplains.

The proposed severed parcel meets the Rural Residential policies (section 5.7.4(ii)) including having a frontage, size and shape that conforms to the zoning by-law, the ability to be serviced by private water and sewage disposal systems, and having frontage on a public road. It is the opinion of staff that the consent generally provides for a satisfactory geometric design of the parcels (section 7.1(d)).

Minimum Distance Separation

In conformity with the PPS, the Township Official Plan requires all division of land for non-farm uses to comply with the Minimum Distance Separation Formulae I (MDS I) (section 7.1(l)). The Township Zoning By-law also requires residential development to comply with MDS I.

Township staff calculated MDS I for three of the four farming operations based on Farm Data Sheets provided by the owners prior to submission of the consent application. These separation distances were incorporated into the original submission.

Upon further review of the file following the public meeting, staff determined that Farm Data Sheets had been provided for the fourth livestock operation, but the calculations had not been completed for the fourth operation. As a result of the public comments received, staff requested the four farm operators that could be impacted by the consent application to review the Farm Data Sheets that had been submitted and to provide additional or corrected information if appropriate. Staff calculated MDS I for five livestock barns and manure storages based on the feedback provided by each of the farm operators.

Staff calculated MDS I using the formulae and guidelines in Publication 853: The Minimum Distance Separation (MDS) Document (OMAFRA, 2016). Guideline #41 outlines how MDS I setbacks are measured for the creation of lots. This guideline indicates that "*for proposed lots without an existing dwelling that are > than 1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters".*

The following table identifies the required MDS I setbacks for each of the surrounding livestock barns and manure storages based on the most recent farm data sheet information, with the exception of 3410 Latimer Road. The original MDS I calculation for 3410 Latimer Road resulted in a more conservative setback.

Location of Livestock Barn and Manure Storage	**Actual Distance from Livestock Barn and Manure Storage to Subject Property (Metres)**	**Minimum Required MDS I Setback (Metres)**
3328 Latimer Road	210	298
3293 Latimer Road	290	229
3471 Latimer Road	1	87
3380 Latimer Road	315	104
3410 Latimer Road	85	246

A revised lot layout (Forefront Engineering Inc., August 12, 2020), as further marked-up by Township staff, (Attachment 1) reflects these MDS I setbacks. The revised lot layout demonstrates that the severed parcel is capable of having a building envelope greater than 0.5 hectares in area as required by the MDS Document (OMAFRA, 2016). Staff note that the MDS I setback from 3410 Latimer Road was originally measured from a building that is not a livestock barn. The closest livestock barn is farther onto the property, meaning that the MDS I setback impacts less of the severed parcel. This is illustrated by the mark-ups on the site plan. The revised lot layout also demonstrates that it is possible to further adjust the proposed lot line between the severed parcel and the severed parcel associated with application S-34-19-S, and continue to comply with Guideline #41 of the MDS Document.

Environmentally Sensitive Area

In conformity to the PPS, the Township Official Plan specifies that consents shall not be granted for a parcel of land which is subject to flooding or erosion (section 7.1(e)). In the absence of detailed floodplain mapping, and where a flooding hazard is suspected a proponent may be required to detail the extent of any hazard lands (section 5.2.3(e)). A drainage analysis was prepared by Forefront Engineering Inc. (dated October 4, 2019, revised January 24, 2020) in support of the consent application. The analysis defined the extent of the 1:100 year flood plain on the subject lands, and demonstrated that the severed parcel contains a building envelope outside the floodplain.

Following submission of the consent application and the drainage analysis, a ditch was constructed from the north end of the subject property near the dwelling to the watercourse. Floodwaters have the potential to back up the ditch impacted driveways. At the request of Cataraqui Conservation, an additional drainage analysis was prepared by Forefront Engineering Inc. (August 12, 2020) that demonstrates that safe access to the proposed building envelopes can be achieved across the ditch. Cataraqui Conservation staff indicated that they are satisfied with the findings of this engineering opinion.

The documentation also demonstrated that the severed parcel contains a building envelope outside the minimum 30 metre setback required from the high water mark of a watercourse as required by Official Plan section 5.2.7(b) and Zoning By-law section 5.8.2(a).

Conclusion

It is recommended that application S-34-19-S be **approved** for the consent to create a new residential lot in Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road, subject to conditions.

Recommended Conditions for Consent Application S-35-19-S

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 Certificate of Official issuance. The deed must be registered within two years of the issuance of the Certificate of Official.

Severed Lands

2. The land to be severed by Consent Application S-34-19-S shall be for the creation of one new lot with +/-2.6 hectares (+/-6.4 acres) of vacant land with +/-80 metres (+/-262.5 feet) on Latimer Road.

3. The land to be severed by Consent Application S-34-19-S shall not be finalized and the transfer not be registered prior to finalizing the land to be severed by Consent Application S-35-19-S.

Survey/Reference Plan or Registerable Description

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

5. The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Drainage Easement

6. A surveyed drainage easement shall be established over the ditch servicing the retained parcel and the lands within 6 metres of both sides of the ditch, and shall be registered on title in favour of the land to be severed by Consent Application S-34-19-S, the land to be severed by Consent Application S-35-19-S, and the retained parcel, to the satisfaction of the Township Development Services staff.

Road Widening

7. The surveyor who prepares the reference plan referred to in Condition #4 and #5 shall also determine by survey the width of the public road to be 66 feet. If such width is less than 66 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner;

    a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to issuing the Certificate of Official;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;

    e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

Municipal Requirements

8. 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 issuance of the Certificate of Official.

9. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed, in lieu of parkland [Planning Act, s. 51(1)].

10. In the event that there are abandoned wells located on the severed parcel or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

11. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcel to address the development of the lot, including an entrance permit,

demonstration of potable water, and a lot grading and drainage plan to be submitted at the building permit stage. The agreement will also include a site plan revised to identify the final MDS I setbacks from each livestock facility and drainage easement, and will notify owners of the applicability of Ontario Regulation 148/06.

Zoning

12. Where a violation of Township of South Frontenac Comprehensive Zoning By-law 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: June 29, 2020

Attachment: Site Plan prepared by Forefront Engineering, dated January 2020, revised August 12, 2020, and marked-up by Township staff October 2, 2020.

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

Date Received: NOV 19, 2019 File No: S-34-19-S

1. Name of Owner(s): KEVIN & KERSTIN MACKAY

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: Concession 7 Lot Number: Lot 23

Street Number: _____ Name of Road/Street: Latimer RD.

Reference Plan Number: 13R16540 Part Number(s): 1, 2, 3, 4, 5, 6

Roll Number: 1629066010643 00

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): 0 zero Frontage (on road/lane): approx 520 metres

Depth: Approx 238 metres. Area: Approx 18 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.

creation of a new lot

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

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

Proposed New Lot:		Retained Lot:	
Frontage On Road	Approx 80 metres	Frontage On Road	Approx 440 metres
Frontage On Water	0	Frontage On Water	0
Depth	Approx 123 metres	Depth	Approx 1165 metres
Area	2.6 Hectares Approx 6.4 acres 26,530 m²	Area	Approx 11.6 acres

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

	Existing Uses	Proposed Uses
New Lot:	Vacant	Vacant
Retained:	Residential	Residential

	Structures Existing	Structures Proposed
New Lot:	None	None

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

	Structures Existing	Structures Proposed
Retained Lot:	House	House

(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***):

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***):

Subject to easement for hydro STN 8462

9. Name of road or lane which accesses:

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

The retained lot: Latimer Road

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: private well

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

New Lot: private septic Retained Lot: private septic

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

Rural

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: _____

(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 $817.00 representing payment of the application fee.

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

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

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

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

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



GENERAL

1. All works to be installed in accordance with current Township of South Frontenac Guidelines, Ontario Building Code and, Ontario Provincial Standard Specifications and Drawings unless specified otherwise.
2. Prior to construction, Contractor to verify all dimensions, sewer inverts and utility locates and identify possible conflicts.
3. In the event that human remains are encountered during construction, the Contractor shall immediately contact the Ministry of Tourism Culture and Sport, the Registrar of the Cemeteries Regulation Unit from the Ministry of Consumer Services, at (416) 326-8393 and Ontario Provincial Police.

GRADING

1. Finished surfaces shall be at a minimum grade of 2% unless otherwise noted.
2. Slopes in landscaped areas shall not exceed 3:1.
3. All existing elevations and grades are to be verified by the contractor prior to grading
4. Utilities are to be located prior to construction
5. All ground surfaces shall be graded to prevent ponding and without low areas except where approved swale or catchbasin outlets are provided.
6. Maximum hard surface grades are to be 8.0%.
7. Conflicts between the architectural drawings and grading shall be brought to the attention of the contract administrator.
8. The contractor is responsible for reviewing proposed grades with conflicts regarding the proposed structures.
9. Sub-drain and outlet elevations are to be confirmed prior to construction any structures.
10. Sub-grade shall be graded at a minimum of 2%, until a lower ditch is encountered or the existing surface drains away from the sloped sub-grade.
11. Gravel areas include all rounding required to maintain the proposed gravel pad edges.

SEDIMENT AND EROSION CONTROL NOTES

1. All erosion and sediment controls shall be installed prior to construction and monitored and maintained by the Contractor throughout the construction process, until all disturbed areas have been revegetated then the temporary sediment and erosion control measures must be removed once the site has been stabilized/completed of site works.
2. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of CRCA.
3. Regardless of site specific items detailed on the plans, the Contractor shall install erosion control measures to suit the proposed work methods to control sediment from running off the site prior to any disturbance.
4. Staked straw bale filters and flow checks to be installed as per OPSD 219.100 and OPSD 219.180.

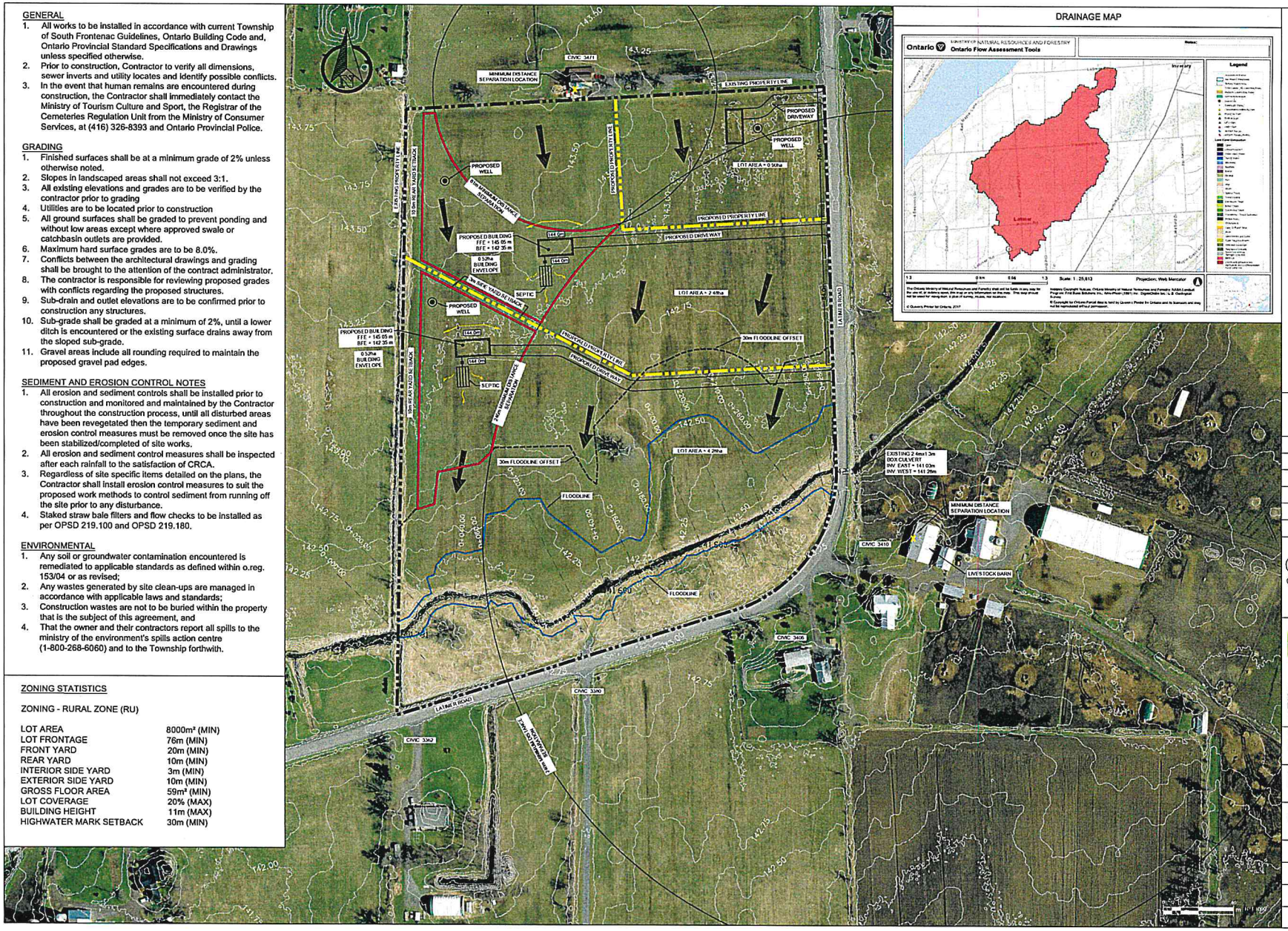
ENVIRONMENTAL

1. Any soil or groundwater contamination encountered is remediated to applicable standards as defined within o.reg. 153/04 or as revised;
2. Any wastes generated by site clean-ups are managed in accordance with applicable laws and standards;
3. Construction wastes are not to be buried within the property that is the subject of this agreement, and
4. That the owner and their contractors report all spills to the ministry of the environment's spills action centre (1-800-268-6060) and to the Township forthwith.

ZONING STATISTICS

ZONING - RURAL ZONE (RU)

LOT AREA	8000m² (MIN)
LOT FRONTAGE	76m (MIN)
FRONT YARD	20m (MIN)
REAR YARD	10m (MIN)
INTERIOR SIDE YARD	3m (MIN)
EXTERIOR SIDE YARD	10m (MIN)
GROSS FLOOR AREA	59m² (MIN)
LOT COVERAGE	20% (MAX)
BUILDING HEIGHT	11m (MAX)
HIGHWATER MARK SETBACK	30m (MIN)



Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8
613.634.9009 tel.
1.888.884.9392 fax.

Client: KERSTIN MACKAY

Project: LATIMER ROAD

Drawing: SITE PLAN

Drawn by: JB | Checked by: DP | Project No.
Designed by: DP | Approved by: DP | Drawing No.: SK1
Date: JANUARY 2020
Scale: 1:600

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8

613 634 9009 tel
888.884.9392 fax

October 4, 2019

Kerstin Mackay
3362 Latimer Road
South Frontenac, ON

Dear Ms. Mackay

Regarding: Latimer Road Severance

As requested, Forefront Engineering Inc. has completed a drainage analysis for the proposed lot severance located along Latimer Road, South Frontenac, Ontario.

The subject property at 3362 Latimer Road is approximately 7.6 hectares in area with approximately 280 m of frontage along the north south portion of Latimer road and approximately 260 m of frontage along the east west portion of Latimer Road. The site is predominantly field and pasture.

A channel extends westerly across the site near the south end of the property. The channel is a tributary to Collins Creek outletting to the Creek between Shannons Corners and Elginburg. A 2.4 m x 1.3 m box culvert conveys flow across Latimer Road just east of the subject site.

A dwelling situated near the north property line is currently under construction. Zoning for the subject lands is Rural requiring a minimum lot area of 0.8 hectares and a minimum frontage of 76 m. It is proposed that the existing lot will be severed to create two additional lots.

A topographic survey of the channel and adjacent area was completed. Topographic survey information for the balance of the site was obtained from LIDAR mapping. An analysis has been completed to demonstrate that the proposed homes and septic systems would lie beyond the floodplain of the channel. Attached is a Site Plan (SK1) showing the upstream drainage area, the drainage channel and 100-year flood line, and the proposed lots and house locations with recommended grading. Notes on our analysis are presented below.

An analysis of the site and watershed characteristics was completed using the Ministry of Natural Resources and Forestry Ontario Flow Assessment Tool (OFAT). The total drainage area for the channel extending through the subject property is approximately 455 hectares. Refer to **Figure 1:** Ontario Flow Assessment Tools Drainage Map.

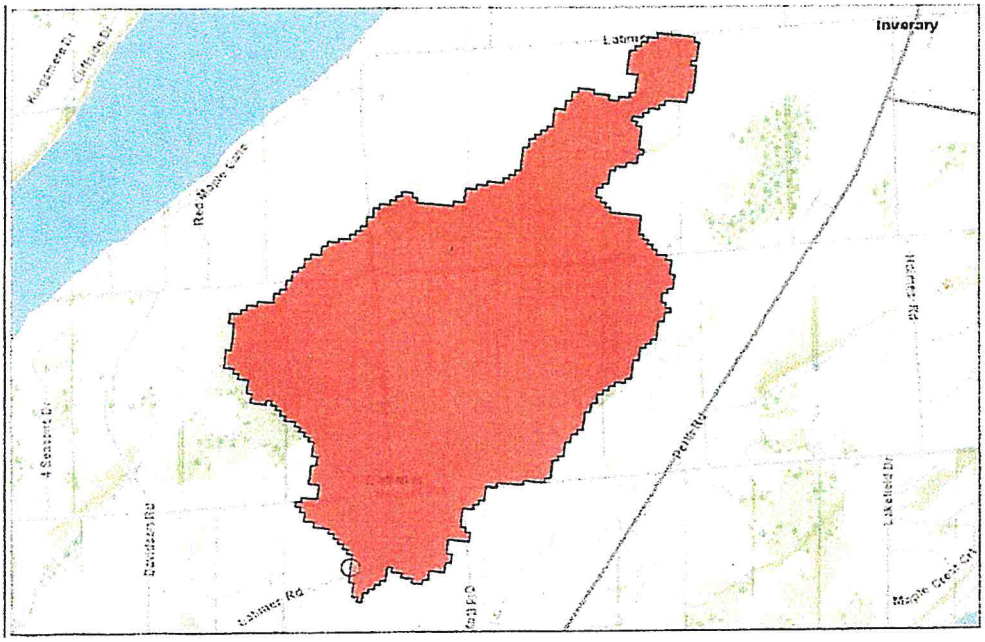


Figure 1: Ontario Flow Assessment Tools Drainage Map

The drainage area slopes approximately 4.1 m/km over an approximate distance of 5.3 km. Therefore, the slope of the main channel is 1.5%. For the watercourse at the subject property, OFAT suggests a 100-year peak flow of approximately 2.23 m^3/s using the index flood model with EPA.

The watercourse main channel through the subject property is irregular with approximately 0.5m wide, flat bedrock/earth bottom, 0.2% longitudinal slope, and earth banks approximately 0.5 m high on average. Using the MTO Drainage Management Manual a Manning's n value of 0.05 was selected for the channel.

Hydraulic analysis using a recent version of the US Army Corps of Engineers HEC-RAS River Analysis System software (Version 4.0.0, released March 2008) was undertaken. The software has been widely used in similar open channel flow analyses in Ontario and is recognized as a reliable technique for estimating one-dimensional steady state flow, unsteady state flow calculations, sediment transport, bed computations, water temperature modeling and their associated parameters.

HEC-RAS analysis suggests that a flow depth of approximately 0.9 m can be expected in the channel under the 100-year peak flow. The hydraulic analysis was used to determine the 100-year flood line for the subject watercourse. The calculated floodline varies from approximately 142.5 m to 143.0 m across the subject site.

Drawing SK1 shows the proposed lotlines with home and septic locations. All three lots will front on the north south portion of Latimer Road with an area of 1.2 hectares and a frontage of 80 m for the northerly lot, an area of 2.6 hectares and a frontage of 80 m for the center lot and an area of 3.8 hectares and a frontage of approximately 100 m for the southern lot. The analysis demonstrates that the proposed house

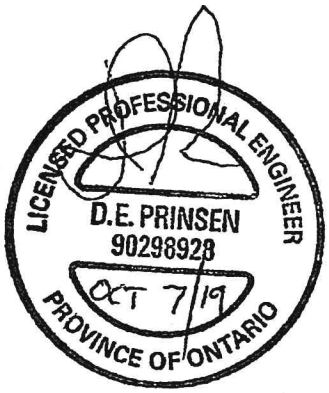
and septic locations are appropriate and lie beyond the floodplain and 30m setback of the subject watercourse.

Also shown on Drawing SK1 is the minimum distance separation line which demonstrates adequate separation for the proposed homes and pertinent portions of the proposed lots from livestock operations.

Please contact this office if you have any questions.

Sincerely,
FOREFRONT Engineering Inc.

Doug Prinsen, P.Eng.
Senior Project Manager
Doug.Prinsen@Forefronteng.ca



SKETCH

GENERAL

1. All works to be installed in accordance with current Township of South Frontenac Guidelines, Ontario Building Code and, Ontario Provincial Standard Specifications and Drawings unless specified otherwise.
2. Prior to construction, Contractor to verify all dimensions, sewer inverts and utility locates and identify possible conflicts.
3. In the event that human remains are encountered during construction, the Contractor shall immediately contact the Ministry of Tourism Culture and Sport, the Registrar of the Cemeteries Regulation Unit from the Ministry of Consumer Services, at (416) 326-8393 and Ontario Provincial Police.

GRADING

1. Finished surfaces shall be at a minimum grade of 2% unless otherwise noted.
2. Slopes in landscaped areas shall not exceed 3:1.
3. All existing elevations and grades are to be verified by the contractor prior to grading
4. Utilities are to be located prior to construction
5. All ground surfaces shall be graded to prevent ponding and without low areas except where approved swale or catchbasin outlets are provided.
6. Maximum hard surface grades are to be 8.0%.
7. Conflicts between the architectural drawings and grading shall be brought to the attention of the contract administrator.
8. The contractor is responsible for reviewing proposed grades with conflicts regarding the proposed structures.
9. Sub-drain and outlet elevations are to be confirmed prior to construction any structures.
10. Sub-grade shall be graded at a minimum of 2%, until a lower ditch is encountered or the existing surface drains away from the sloped sub-grade.
11. Gravel areas include all rounding required to maintain the proposed gravel pad edges.

SEDIMENT AND EROSION CONTROL NOTES

1. All erosion and sediment controls shall be installed prior to construction and monitored and maintained by the Contractor throughout the construction process, until all disturbed areas have been revegetated then the temporary sediment and erosion control measures must be removed once the site has been stabilized/completed of site works.
2. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of CRCA.
3. Regardless of site specific items detailed on the plans, the Contractor shall install erosion control measures to suit the proposed work methods to control sediment from running off the site prior to any disturbance.
4. Staked straw bale filters and flow checks to be installed as per OPSD 219.100 and OPSD 219.180.

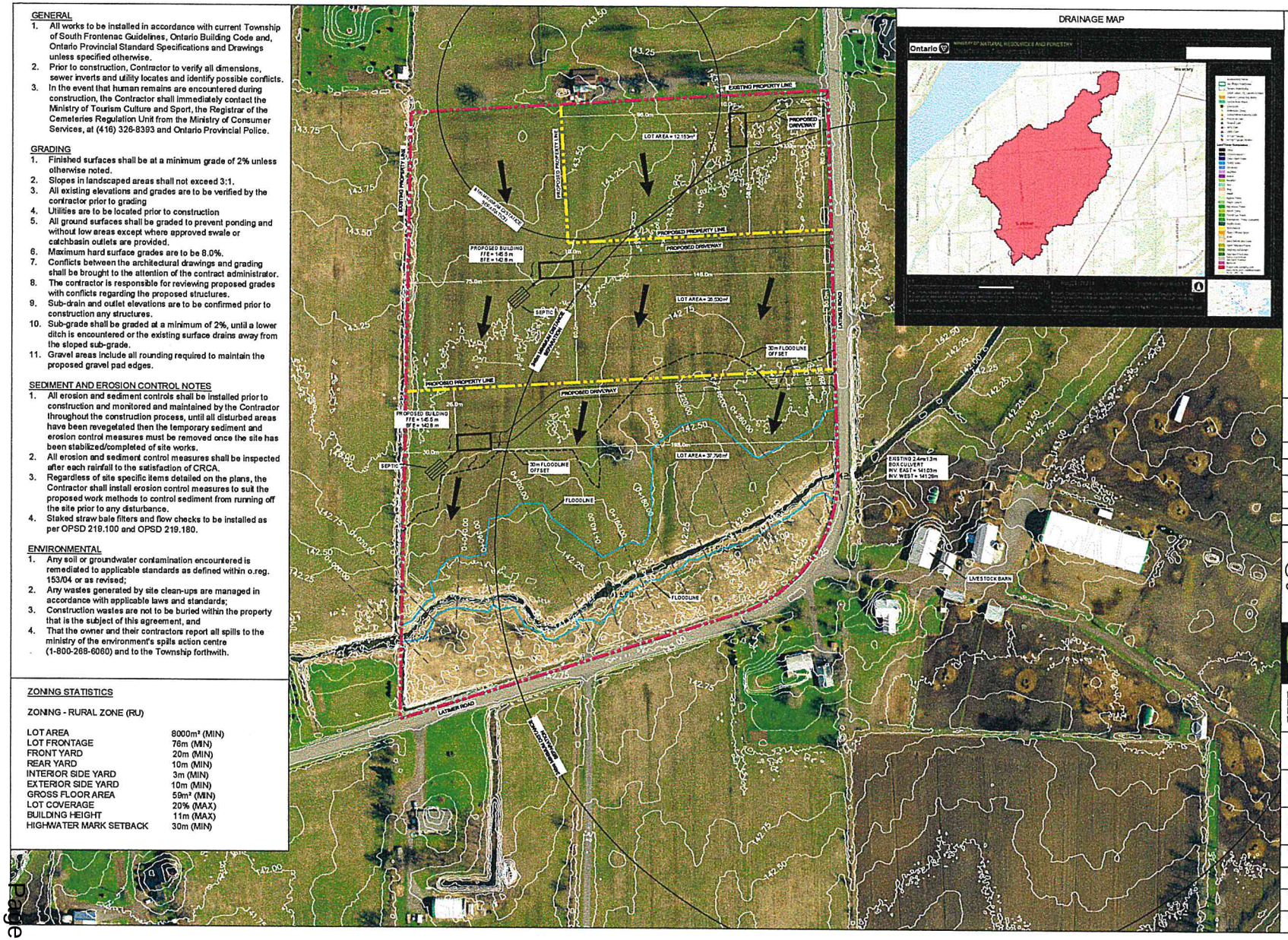
ENVIRONMENTAL

1. Any soil or groundwater contamination encountered is remediated to applicable standards as defined within o.reg. 153/04 or as revised;
2. Any wastes generated by site clean-ups are managed in accordance with applicable laws and standards;
3. Construction wastes are not to be buried within the property that is the subject of this agreement, and
4. That the owner and their contractors report all spills to the ministry of the environment's spills action centre (1-800-268-6060) and to the Township forthwith.

ZONING STATISTICS

ZONING - RURAL ZONE (RU)

LOT AREA	8000m² (MIN)
LOT FRONTAGE	76m (MIN)
FRONT YARD	20m (MIN)
REAR YARD	10m (MIN)
INTERIOR SIDE YARD	3m (MIN)
EXTERIOR SIDE YARD	10m (MIN)
GROSS FLOOR AREA	59m² (MIN)
LOT COVERAGE	20% (MAX)
BUILDING HEIGHT	11m (MAX)
HIGHWATER MARK SETBACK	30m (MIN)



DRAINAGE MAP

0 20 40 m N=1:1000

No.	Revision/Issue	Date

PROFESSIONAL ENGINEER
G. F. MARSH
90298028
PROVINCE OF ONTARIO

Forefront Engineering Inc

1329 Gardiners Road, Suite 201
Kingston, ON, Canada K7P 0L8
613.634.9009 tel.
1.888.884.9392 fax.

Client: KERSTIN MACKAY

Project: LATIMER ROAD

Drawing: SITE PLAN

Drawn by: JE	Checked by: SF	Project No.
Designed by: SF	Approved by: SF	Drawing No. SKI
Date: SEPTEMBER 2019		
Scale: 1:500		

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8

613 634 9009 tel
888.884.9392 fax

January 24, 2020

Kerstin Mackay
3362 Latimer Road
South Frontenac, ON

Dear Ms. Mackay

Regarding: Latimer Road Severance

As requested, Forefront Engineering Inc. has completed a drainage analysis for the proposed lot severance located along Latimer Road, South Frontenac, Ontario.

The subject property at 3362 Latimer Road is approximately 7.66 hectares in area with approximately 280 m of frontage along the north south portion of Latimer road and approximately 260 m of frontage along the east west portion of Latimer Road. The site is predominantly field and pasture.

A channel extends westerly across the site near the south end of the property. The channel is a tributary to Collins Creek outletting to the Creek between Shannons Corners and Elginburg. A 2.4 m x 1.3 m box culvert conveys flow across Latimer Road just east of the subject site.

A dwelling situated near the north property line is currently under construction. Zoning for the subject lands is Rural requiring a minimum lot area of 0.8 hectares and a minimum frontage of 76 m. It is proposed that the existing lot will be severed to create two additional lots.

A topographic survey of the channel and adjacent area was completed. Topographic survey information for the balance of the site was obtained from LIDAR mapping. An analysis has been completed to demonstrate that the proposed homes and septic systems would lie beyond the floodplain of the channel. Attached is a Site Plan (SK1) showing the upstream drainage area, the drainage channel and 100-year flood line, and the proposed lots and house locations with recommended grading. Notes on our analysis are presented below.

An analysis of the site and watershed characteristics was completed using the Ministry of Natural Resources and Forestry Ontario Flow Assessment Tool (OFAT). The total drainage area for the channel extending through the subject property is approximately 455 hectares. Refer to **Figure 1:** Ontario Flow Assessment Tools Drainage Map.

Forefront Engineering Inc

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613 634 9009 tel
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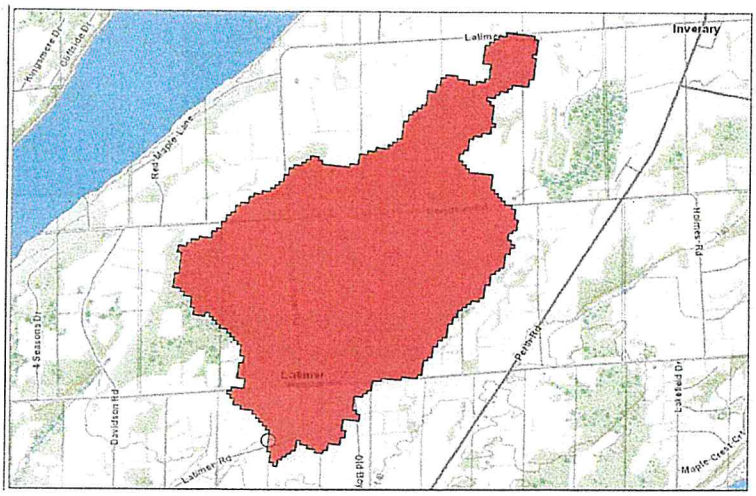


Figure 1: Ontario Flow Assessment Tools Drainage Map

The drainage area slopes approximately 4.1 m/km over an approximate distance of 5.3 km. Therefore, the slope of the main channel is 1.5%. For the watercourse at the subject property, OFAT suggests a 100-year peak flow of approximately 2.23 m^3/s using the index flood model with EPA.

The watercourse main channel through the subject property is irregular with approximately 0.5m wide, flat bedrock/earth bottom, 0.2% longitudinal slope, and earth banks approximately 0.5 m high on average. Using the MTO Drainage Management Manual a Manning's n value of 0.05 was selected for the channel.

Hydraulic analysis using a recent version of the US Army Corps of Engineers HEC-RAS River Analysis System software (Version 4.0.0, released March 2008) was undertaken. The software has been widely used in similar open channel flow analyses in Ontario and is recognized as a reliable technique for estimating one-dimensional steady state flow, unsteady state flow calculations, sediment transport, bed computations, water temperature modeling and their associated parameters.

HEC-RAS analysis suggests that a flow depth of approximately 0.9 m can be expected in the channel under the 100-year peak flow. The hydraulic analysis was used to determine the 100-year flood line for the subject watercourse. The calculated floodline varies from approximately 142.5 m to 143.0 m across the subject site.

Drawing SK1 shows the proposed lotlines with home and septic locations. All three lots will front on the north south portion of Latimer Road with an area of 0.90 hectares and a frontage of 76m for the northerly lot, an area of 2.48 hectares and a frontage of 84 m for the center lot and an area of 4.28 hectares and a frontage of approximately 100 m for the southern lot. The analysis demonstrates that the proposed house

Forefront Engineering Inc

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Kingston, ON, Canada K7P 0L8

613 634 9009 tel
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and septic locations are appropriate and lie beyond the floodplain and 30m setback of the subject watercourse.

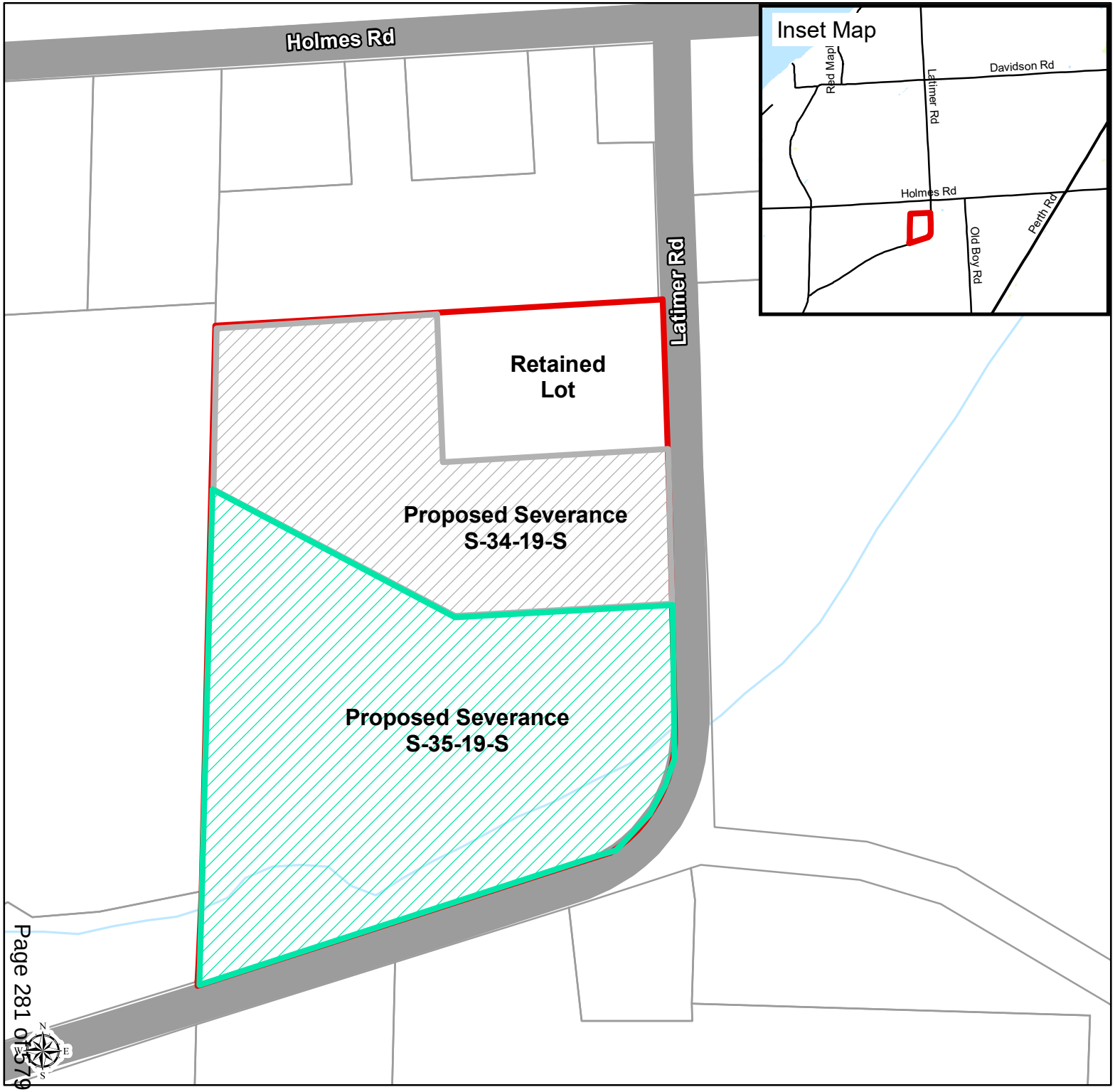
Also shown on Drawing SK1 is the minimum distance separation line which demonstrates adequate separation for the proposed homes and pertinent portions of the proposed lots from livestock operations. The drawing demonstrates building envelopes in excess of 0.5 hectares beyond the MDS setbacks, rear and side yard setbacks, and 30m floodline setback.

Please contact this office if you have any questions.

Sincerely,
FOREFRONT Engineering Inc.



Doug Prinsen, P.Eng.
Senior Project Manager
Doug.Prinsen@Forefronteng.ca



S-35-19-S MACKAY

3467 LATIMER RD

Legend

- MacKay Property
- Parcel Fabric
- River / Stream
- Provincially Significant Wetlands

Waterbodies

- Water Area, Permanent
- Wetland Area, Permanent

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

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

Scale 1:2,800

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

KFL&A Public Health

http://www.kflapublichealth.ca

Environmental Health Department

CONSENT TO SEVER INSPECTION REPORT

File Number: S-35-19-S			Receipt Number: SK-11-2020		
Owner(s): MacKay, Kevin & Kerstin					
Municipality: Township of South Frontenac			**Ward / Former Township:** Storrington		
Lot: Parts 23 & 24	**Concession:** 7	**Registered Plan:** 13R16716	**Part(s):** 1 & 2	**Plan of Subdivision:**	**Sublot:**

General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)

Severed: Relatively flat lot previously used for agriculture, with a watercourse running through the southern end of the lot; the proposed severed lot is bordered by the proposed severed lot (S-34-19-S) to the north, Latimer Road to the east and south, and a neighbouring lot to the west.

Retained: Relatively flat lot previously used for agriculture, with an existing dwelling, serviced by a well and sewage system. The proposed retained lot is bordered by a neighbouring lot to the north, Latimer Road to the east, and the proposed severed lot (S-34-19-S) to the south and west.

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
Grade/organic layer	---------->	0.0 m	
Standing water in both THs at 0.1m	---------->	0.3 m	
Clay soil throughout		0.6 m	
Test hole #1 stops at 0.8m	---------->	0.9 m	
Test hole #2 stops at 0.9m		1.2 m	
		1.5 m	

Percolation rate (estimated): > 50 min/cm

Percolation rate (estimated):

NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.

Suitability for on-site sewage disposal:

SEVERED	**Conditions:**
☑ Satisfactory ☐ Unsatisfactory ☑ Site Flexible ☐ Site Specific	The proposed lot is capable of providing flexibility in siting a sewage disposal system. 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.
RETAINED	**Conditions:**
☐ Satisfactory ☐ Unsatisfactory ☐ Site Flexible ☐ Site Specific	

Inspector: Matthew Doyle CPHI(C), Public Health Inspector	**Approved:**	**Date:** March 19, 2020

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.

Report from Roads to Committee of Adjustment

Application Number: S-34-19-S & S-35-19-S

Applicant's Name: Kevin & Kirsten MacKay

Concession: 7 **Lot:** 23 & 24 **District:** Storrington

Road: 3467 Latimer Road

Road Maintenance: Year-round ☒ Seasonal ☐

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

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

Road Conditions:

1. Are there any special drainage/ditching concerns related to creation of new lot(s)?
   Yes ☒ No ☐
   If yes, what action is the applicant required to take?
   Some issues outside the ROW
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 ☒ To be determined by an Ontario Land Surveyor ☐

Any specific requirement?

Approved by the Public Services?

Yes ☒ Yes, with conditions ☐ No ☐

If yes, with conditions, please describe conditions below.

Signature on behalf of Public Services

July 14/20
Date

October 2, 2020

File: SEV/FRS/41/2020
SEV/FRS/42/2020

Sent by E-mail

Christine Woods, Senior Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Christine:

Re: Applications for Consent to Sever S-34-19-S & S-35-19-S (MacKay)
Lot 23, Concession 7; 3467 Latimer Road
Township of South Frontenac (Storrington)
Waterbody: Un-named Tributary

Cataraqui Conservation staff have reviewed the above-noted application for consent to sever and offer the following comments for the Land Division Committee's consideration.

Additional comments to our previous correspondence of June 3, 2020 are provided in bold italic font for quick reference.

Summary of Proposal

The applicant has requested severance of a 2.59 hectare parcel of land (S-34-19-S) and a 3.78 hectare parcel of land (S-35-19-S) from an 7.28 hectare property known as 3467 Latimer Road. The lot to be retained would be approximately 0.91 hectares in area with frontage on Latimer Road. The lot to be retained is presently developed as a residential property and is proposed to remain in its present use. The lots to be severed are proposed to be used for residential purposes.

Site Description

The property is a corner lot on the west side of Latimer Road. The topography of the property can be described as very flat with surface drainage toward a receiving un-named watercourse the flows in an east to west direction through the southern portion of the property. The applicants have created a ditch that runs north to south through the

property and into the un-named watercourse. This ditch was originally constructed without approval under Cataraqui Conservation's Ontario Regulation 148/06, but has since been permitted under permit F-126/20-Un-named Trib.

The property is currently designated 'Rural' in the Official Plan and 'Rural' (RU) in the implementing Zoning By-law for South Frontenac Township.

Discussion

The main interests of the CRCA with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the un-named watercourse and the man-made ditch, and the protection of water quality.

Natural Hazards

Flooding: Flood plain mapping is not available for this watercourse or the man-made ditch. In lieu of flood plain mapping, the applicant commissioned a study (Forefront Engineering, October 4, 2019) to review the hydrology of the un-named watercourse and provide an estimate of where flooding is anticipated for a 100 year flood event. The report also provides for a 30 metre setback allowance from the anticipated extent of flooding which is satisfactory to staff.

However, a hydrologic analysis of the man-made ditch has not been provided. Staff note that the proposed building envelopes are located on the west side of the ditch which would involve providing access across the ditch. Since hydrology has not been completed on the man-made ditch, the applicant has failed to demonstrate safe access to the future building envelopes. Safe access is required to allow safe passage for the future occupants of the dwellings and emergency vehicles.

Staff recommend that the applicant demonstrate safe access to the future building envelopes by providing a hydrologic analysis for the man-made ditch that considers culvert sizing to pass the 100 year storm, and the elevation of the driveway to ensure safe passage. Please note that a permit under O. Reg. 148/06 will be required prior to installing the culvert crossings.

The applicant has provided an engineering opinion (Forefront Engineering, August 12, 2020) in support of their applications. Staff are satisfied with the findings of this report. Therefore, staff no longer have concerns with safe

access. As noted above, a Cataraqui Conservation permit under Ontario Regulation 148/06 is required prior to installing the culvert crossings.

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. Section 4.2.1 of Cataraqui Conservation's Planning Policy suggests that development and site alteration should be directed to areas outside of lands that are subject to erosion hazards. Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till of 3(h):1(v), plus an access allowance of 6 metres.

Staff are satisfied that the lots to be severed and the lot to be retained contain suitable development envelopes outside of any area that may be susceptible to erosion.

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, Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Staff are satisfied that there will be an appropriate buffer between the proposed building envelopes and the watercourses on the property.

Recommendation

Staff have no objection to the approval of applications S-41-20-S and S-42-20-S based on our consideration for natural hazards, natural heritage and water quality protection policies. However, staff recommend that a condition of approval be added requiring the applicants to obtain a permit under Ontario Regulation 148/06 for the laneway culvert crossings.

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 e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Anna Geladi, South Frontenac Township (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)
Kevin & Kerstin MacKay, applicants (via e-mail)

June 3, 2020

File: SEV/FRS/41/2020
SEV/FRS/42/2020

Sent by E-mail

Ms. Claire Dodds
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Dodds:

Re: Applications for Consent to Sever S-34-19-S & S-35-19-S (MacKay)
Lot 23, Concession 7; 3467 Latimer Road
Township of South Frontenac (Storrington)
Waterbody: Un-named Tributary

Cataraqui Conservation staff have 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 2.59 hectare parcel of land (S-34-19-S) and a 3.78 hectare parcel of land (S-35-19-S) from an 7.28 hectare property known as 3467 Latimer Road. The lot to be retained would be approximately 0.91 hectares in area with frontage on Latimer Road. The lot to be retained is presently developed as a residential property and is proposed to remain in its present use. The lots to be severed are proposed to be used for residential purposes.

Site Description

The property is a corner lot on the west side of Latimer Road. The topography of the property can be described as very flat with surface drainage toward a receiving un-named watercourse the flows in an east to west direction through the southern portion of the property. The applicants have created a ditch that runs north to south through the property and into the un-named watercourse. This ditch was originally constructed without approval under Cataraqui Conservation's Ontario Regulation 148/06, but has since been permitted under permit F-126/20-Un-named Trib.

The property is currently designated ‘Rural’ in the Official Plan and ‘Rural’ (RU) in the implementing Zoning By-law for South Frontenac Township.

Discussion

The main interests of the CRCA with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the un-named watercourse and the man-made ditch, and the protection of water quality.

Natural Hazards

Flooding: Flood plain mapping is not available for this watercourse or the man-made ditch. In lieu of flood plain mapping, the applicant commissioned a study (Forefront Engineering, October 4, 2019) to review the hydrology of the un-named watercourse and provide an estimate of where flooding is anticipated for a 100 year flood event. The report also provides for a 30 metre setback allowance from the anticipated extent of flooding which is satisfactory to staff.

However, a hydrologic analysis of the man-made ditch has not been provided. Staff note that the proposed building envelopes are located on the west side of the ditch which would involve providing access across the ditch. Since hydrology has not been completed on the man-made ditch, the applicant has failed to demonstrate safe access to the future building envelopes. Safe access is required to allow safe passage for the future occupants of the dwellings and emergency vehicles.

Staff recommend that the applicant demonstrate safe access to the future building envelopes by providing a hydrologic analysis for the man-made ditch that considers culvert sizing to pass the 100 year storm, and the elevation of the driveway to ensure safe passage. Please note that a permit under O. Reg. 148/06 will be required prior to installing the culvert crossings.

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. Section 4.2.1 of Cataraqui Conservation’s Planning Policy suggests that development and site alteration should be directed to areas outside of lands that are subject to erosion hazards. Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till of 3(h):1(v), plus an access allowance of 6 metres.

Staff are satisfied that the lots to be severed and the lot to be retained contain suitable development envelopes outside of any area that may be susceptible to erosion.

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, Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Staff are satisfied that there will be an appropriate buffer between the proposed building envelopes and the watercourses on the property.

Recommendation

Staff recommend deferral of applications S-41-20-S and S-42-20-S until the applicant has demonstrated safe access to the proposed building envelopes.

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 e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Tess Gilchrist, South Frontenac Township (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)
Kevin & Kerstin MacKay, applicants (via e-mail)

Christine Woods

From: planning
Sent: June 25, 2020 8:40 AM
To: Christine Woods
Subject: FW: Questions about Files S-34-19-S and S-35-19-S

Michelle Hannah
Planning Assistant
Township of South Frontenac
Box 100, Sydenham, Ontario K0H 2T0
613-376-3027 Ext. 2224
613-376-6657 (Fax)

Natural, Vibrant and Growing - a Progressive Rural Leader

From: Kevin Bovey [redacted]
Sent: March-03-20 11:14 AM
To: planning <planning@southfrontenac.net>
Subject: Questions about Files S-34-19-S and S-35-19-S

Hi Michelle,

I got your letters in the mail today.
I would lke to ask a few questions please.

Our farms are at 3328 Latimer and 3293 Latimer Rd and our north east pasture/field borders the proposed severances.
The colored top view that came is very difficult to see. Even under magnification I cant make out all the information.
Thought it would be easiest to ask the questions.

Questions
1) It appears that there is a circle indicating a MDS from the horse farm across the road. I dont see a MDS for either of my two farms which are close. Should we have one?
2) Is the smaller circle a MDS for the small sheep and goat farm to the north of the proposed severances?
3) Are these proposed severances not considered irregular? That was a common problem a few years back and just wondered if this is now ok?
4) The proposed severances show future house/well/septics, All of these are within 30-40 meters of our pasture/hay field. Is this ok? I just dont want a future neighbor getting upset about a moo or a cow poo.

I'm not against the severances just want to find out more information.

thanks very much
Kevin

--
Kevin Bovey

[redacted]

Michelle Hannah

To: Christine Woods
Subject: RE: Concerns about proposed lots on Latimer Road

From: Suzanne Bovey [mailto:suzanne.bovey@gmail.com]
Sent: October 5, 2020 2:05 PM
To: Christine Woods <cwoods@southfrontenac.net>
Subject: Concerns about proposed lots on Latimer Road

Dear South Frontenac Planning Department and Committee of Adjustment,

I am writing to express my concerns and oppositions to the proposed lots on Latimer Road.

My husband and I live at 3328 Latimer Road. We operate a 220 acre beef farm. I have lived in South Frontenac township my entire life,we have raised our children here. My family has owned businesses in South Frontenac Township since 1988 and we currently own and operate Maple Country Home & Farm in Inverary.

We enjoy living here.

The field that is in questions already has one home that was built in 2019. We did not receive official notice prior to that home being built. When we received notice at the beginning of March that two more lots were going to be created we had some concerns. Our farm's MDS was not on the map as well as others.
After some investigation we found out that none of the MDS calculations were done properly. I feel very strongly that these need to be done properly to maximum capacity throughout the township. This is the only way to protect the future of farms.

The proposed lots are surrounded by 5 farms. With most MDS calculations done properly it really reduces the area where houses can be built. It also shows that the first house should have never been built where it is. If you notice the proposed wells are also very close to our fence line. The lots lines have been made irregular in order to get two homes in.

Kevin and I have always planned to build a heifer barn either at 3328 or 3293 Latimer Road. We would have to follow MDS rules but I can't help but think two more houses would make it that much more difficult. What happens when our cows are peeing or pooping 30' from their wells, or we spread manure, or when our cows ball for a week when we wean their calves. I can just imagine the phone calls ourselves and our councillors will get. Will these 2 new houses hurt the future of the surrounding farms? We believe it will!

If these lots go through the surrounding farmers can never increase their herds whether it be cattle, pigs, horses, sheep/goats etc, and will not be able to build any new barns or additions. We have some very enthusiastic young farmers in our area. This is so important when in our area there are less farms all the time.

Farming is our passion. We believe you should consider not approving these lots because agriculture should be a priority.

Sincerely,
Suzanne and Kevin Bovey

Christine Woods

From: planning
Sent: June 25, 2020 8:40 AM
To: Christine Woods
Subject: FW: Letter of Objection - Consent applications for 3467 Latimer Road
Attachments: IMG_5885.jpg; IMG_5890.jpg; Letter of Objection for Consents - 3467 Latimer Road.pdf

Michelle Hannah
Planning Assistant
Township of South Frontenac
Box 100, Sydenham, Ontario K0H 2T0
613-376-3027 Ext. 2224
613-376-6657 (Fax)

Natural, Vibrant and Growing - a Progressive Rural Leader

From: Chris Wicke [mailto:chris.wicke@hotmail.com]
Sent: March-12-20 3:37 PM
To: planning <planning@southfrontenac.net>
Subject: Letter of Objection - Consent applications for 3467 Latimer Road

Hello Ms. Hannah,

Please find attached my letter of objection regarding the applications for consent (Files Number S-35-19-S and S-35-19-S) located adjacent to the lands municipally known as 3467 Latimer Road. Please circulate it to the members of the Committee of Adjustment.

Can you please also provide the attached photos as well as additional exhibits.

Thank you and best regards,

Chris Wicke
3287 Latimer Road

Chris Wicke
3287 Latimer Road
Elginburg, Ontario K0H 1M0
chris.wicke@hotmail.com
(613) 453-3265

Dear Members of the Committee of Adjustment,

We wish to oppose the proposed consents (Files Number S-35-19-S and S-35-19-S) located adjacent to the lands municipally known as 3467 Latimer Road. My wife, our four children and I have been residents of Latimer Road for eight years. We have a number of concerns regarding the appropriateness of the proposed consents for residential development related to the *Planning Act*, Provincial Policy Statement, and Township of South Frontenac Official Plan.

I have an initial concern about due process. Signage was not posted in accordance with the timing required under the *Planning Act* – I drive by the site daily and only noted the signs on March 11, 2020, though the application was slated for the March 12 meeting. Under the *Planning Act*, notice is required at least 14 days in advance of the meeting (53 (5)). Further, signage was posted beneath a 'No Trespassing' sign and across a ditch that is filled with ice and water, making it almost impossible to access for residents outside of the 60 metre public notice mailing radius.

In brief, the proposed applications for consent for residential lots would do the following:

- Conflict with the Provincial Policy Statement, as they do not direct residential growth to settlement areas (PPS Sections 1.1.3.2, 1.1.4.1, 1.1.4.2) or represent appropriate intensification (1.1.3.3, 1.1.3.5);
- Negatively affect the rural character of the land by removing what have until very recently (as of the construction of the new dwelling) been active agricultural lands from production permanently;
- Negatively affects the operations and ultimate viability of local agricultural operations – both at the Bovey cattle farm and Under the Cross horse farm (1.1.5.7, 1.1.5.8) and would harm the long-term economic prosperity of the agri-businesses in rural area and access to local food (1.7.1(h)) – thereby further undermining the rural character of the area;
- Does not appropriately address required minimum distance separation by excluding measurement to the Bovey farm (1.1.5.9, OP Section 7.1 (l));
- Significantly increases the likelihood of nuisance complaints against normal farm practices for existing operations;

- Locates a driveway for one lot in proximity to a challenging and tight curve in the main road (7.1 (i), increasing risk for not only drivers and pedestrians but also riders from adjacent horse farm.
- Provides extremely limited locations for proposed houses – including the retained house;
- Proposes an awkward lot configuration that is not compliant with OP land division policies (7.1 (d))– and these lot configurations are likely the only ones possible due to the required MDS separations;
- Further exacerbates existing issues with drainage (7.1 (e)) in a sensitive surface water area – the area is prone to flooding, evidenced by changes made by the current residents of 3467 Latimer Road to the drainage pattern of the land through the construction of a non-permitted watercourse change – the digging of a long ditch - which is not indicated on the provided drawings (7.1 (f)) - that redirects water to a protected creek;
- Ignores an enforcement situation currently under investigation by the Cataraqui Region Conservation Area - The watercourse works (new drainage ditch) have been considered an alteration to a watercourse under Ontario Regulation 148/06 and are considered by the CRCA to be a violation under their regulation.

Overall, conformity with the applicable planning documents, including the Township's Official Plan, is a prerequisite to granting consent. Among many shortcomings, this application does not meet those requirements. A peer review would also be appropriate for the MDS calculations, given its omissions and potential impact in this situation.

I urge the Committee to reject these applications for consent, as they do not represent good land use planning, are clearly inappropriate given the context, and would create both present and future negative impacts on the existing and proposed lots as well as on the adjacent and surrounding lands. There are appropriate places for residential development to be located in our community. This isn't one of them.

I wish to receive written notice regarding any action related to this application.

Thank you for your attention in this matter.

Chris Wicke
3287 Latimer Road





Chris Wicke
3287 Latimer Road
Elginburg, Ontario K0H 1M0
chris.wicke@hotmail.com
(613) 453-3265

Wednesday, October 7, 2020

Dear Members of the Committee of Adjustment,

We wish to oppose the proposed consents (Files Number S-34-19-S and S-35-19-S) located adjacent to the lands municipally known as 3467 Latimer Road. We provided a previous letter of objection in March 2020, and I spoke to the Committee at that time, but we have further concerns to raise as part of the deliberation of this application.

A municipal Staff Report has been provided for both applications providing a recommendation of approval. However, there are a number of shortcomings that make it clear that the report considered only parts of the applicable policies, rather than the overall intent.

Provincial Policy Statement (PPS)

The Staff Reports state that the applications are "consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*)". However, the reports refer to only one section of the PPS, stating "The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including residential lot creation and development that is compatible with the rural landscape (section 1.1.5)."

One further part of the same Section 1.1.5 not considered in the Staff reports is the following:

- Section 1.1.5.7 - Opportunities **to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.**

Further, the Report does not offer any thoughts regarding other PPS policies not aligned with the proposed development, including the following:

- PPS Sections 1.1.3.2 – **Settlement areas shall be the focus of growth and development**;
- Section 1.1.3.3 - Planning authorities shall identify appropriate locations and promote opportunities for… accommodating a significant supply and range of *housing options* through ***intensification* and *redevelopment;*** (this is neither)
- Section 1.1.3.5 - Planning authorities shall establish and implement minimum targets for ***intensification* and *redevelopment* within built-up areas**, based on local conditions;
- Section 1.1.4.1 - Healthy, integrated and viable *rural areas* should be supported by: a) **building upon rural character, and leveraging rural amenities and assets;** c) accommodating an appropriate range and mix of housing **in rural *settlement areas***;

- Section 1.1.4.2 - In *rural areas*, **rural *settlement areas* shall be the focus of growth** and development and their vitality and regeneration shall be promoted.

All that to say – according to the PPS, residential development in the rural area should be directed through intensification to settlement areas, and agricultural uses should be protected. This is not the appropriate place for new residential lots.

Township of Frontenac Official Plan

The Reports state that the applications "Conforms with the Township of South Frontenac Official Plan (5.2, 5.7.4 & 7.1)" These sections address Environmental Protection (5.2), Rural Residential Policies (5.7.4) and General Consent Policies applicable to All Land Use Designations (7.1). However, there are other relevant policies that have not been examined.

The Reports do not address whether this type of development conforms with the overall intent of the Official Plan – it does not.

Section 4.2 – Housing Goal states that "This Official Plan will encourage residential development which is affordable, of high quality and capable of meeting the changing and diverse needs of the rural community. **Such development will be carefully planned to reduce land use conflicts, provide longterm protection of the environment and minimize the municipal servicing costs.** Among the Objectives for this goal is "(ii) to maintain the established rural character of the community. This will be accomplished by zoning controls which **reduce land use conflicts, minimize the impact of development on traditional rural activities** and place environmental concerns ahead of residential growth."

Look at where the potential building envelopes are located. They are poorly located across a ditch, far from the frontage and squeezed by the surrounding uses, and they will be pushing back against these adjacent uses if established – clearly an indicator of incompatibility.

Even more significant is *Section 4.3 – Agricultural and Rural Goal* which states that "The Rural and Agricultural Goal of this Official Plan is to preserve the Township's established rural character and agricultural industry." When read, it's clear that every one of these objectives is violated by the proposed residential development. The objectives are as follows:

"(a) Objectives

(i) to protect agriculturally productive land from the **encroachment of incompatible land uses by restricting the location of residential**, commercial and industrial development on such land and by **encouraging such uses not to locate on productive agricultural land**s.

(ii) to **maintain agriculturally productive lands in economically viable units** by preventing the **fragmentation of such land**.

(iii) to protect the viability of confinement livestock enterprises by **limiting the encroachment of non-agricultural uses**.

(iv) to protect the established rural character of the Township from

uncontrolled strip development.

The proposed development does the opposite of every one of these objectives. It would locate a strip of three residential lots on what is still productive agricultural lands, and encroach on other surrounding agricultural lands, significantly increasing the likelihood of land use conflicts.

Fragmentation

As is recognized in the objectives, fragmentation of farmland erodes its usefulness. At the previous meeting in March, the applicant spoke to how portions of the property will remain as hay fields. This does not seem at all likely.

Simply looking at the recent residential construction on the land, it's clear that the potential for retaining usable farmland is going to be damaged. To start, the entire front area of the recent dwelling (the retained lot) and a large area behind it is now a residential lawn and septic field where it used to be productive agricultural land. You can expect that the construction of two additional dwellings will result in a similar change to the landscape, with residential buildings, surrounding lawns, septic fields and parking areas taking the place of agricultural operations, with no tools available to ensure anything to the contrary if these consents are approved and eventually sold as building lots. Whatever is useable beyond the immediate building envelopes would be further fragmented by driveways and the ditch which was dug by the applicant in 2019 without permission and that has subsequently resulted in additional conditions from the CRCA for the application. (Please see *Appendix A* for a map of the potential fragmentation of the lands).

The application submitted by the landowner describes the land as 'vacant'. It is not vacant – it does not have any buildings on it, but it is active and valuable farmland that supports local farmers. **Once farmland becomes housing, it does not return – and this jeopardizes the foundation of our community.**

Minimum Distance Separation Calculations

According to Section 1.1.5.8 of the PPS, "new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*." The applications originally submitted for the proposed consents contained several errors and omissions, including excluding nearby farms and underestimating required setbacks, and municipal staff have had to do further work to verify and revise these distances. Unfortunately, a quick review and replication of the additional calculations reveals further errors with the results in the Staff Report.

MDS calculations are to be calculated to the most conservative estimate, with required setbacks based on either the area of the livestock barn or the number of animals housed in it, whichever results in the greater setback. Using the area of the barn at 3471 Latimer Road (adjacent goat farm), measured at 160 square metres using Google mapping, an MDS calculation showed a required setback to be 98 metres, as opposed to the 87 metres indicated by municipal staff, and further in excess of the 81 metres originally indicated by the applicant.

(Please see Appendix B for a measurement of the barn and the MDS calculation). This increased setback requirement would encompass both the proposed building location and the proposed well location, and would likely reduce the building envelope below 0.5 hectares.

The change in the setback for the adjacent horse farm at 3410 Latimer Road moves the required setback away from the property in question, with the explanation in the Staff Report that the building is currently used for purposes other than housing livestock. However, the proposed residential development would have the ironic result of potentially barring that structure from being used as a livestock barn in the future based on an MDS II calculation – exactly the type of limitation to agricultural use that could be avoided by this Committee.

As stated previously, conformity with the applicable planning documents is necessary to grant a consent. This application does not meet those requirements. In summary, the proposed development of two residential lots does the following:

- It is contrary to the intent of the Provincial Policy Statement;
- It is contrary to the goals and intent of the Township of South Frontenac Official Plan;
- It would fracture and sterilize what is still active farmland; and
- It endangers the viability of nearby agricultural operations through land use conflicts.

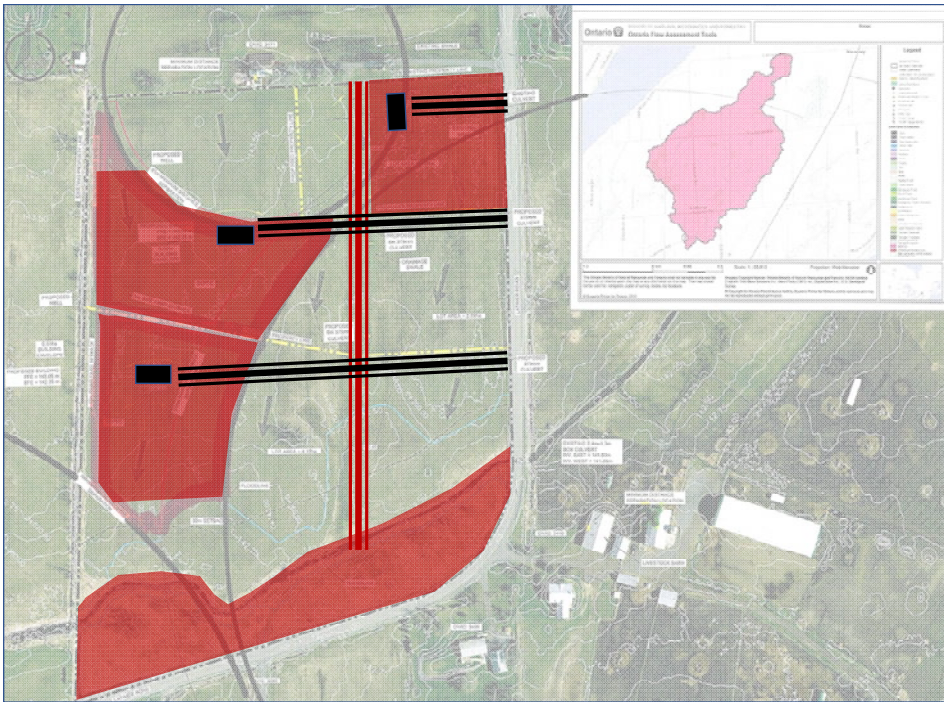
On these grounds, among others, I ask you to please reject these applications for consent. They do not represent good land use planning, are clearly inappropriate given the context, and would create both present and future negative impacts on the existing and proposed lots as well as on the adjacent and surrounding lands. Again, there are more appropriate places for residential development in our community. This is not one of them.

Thank you again for your consideration.

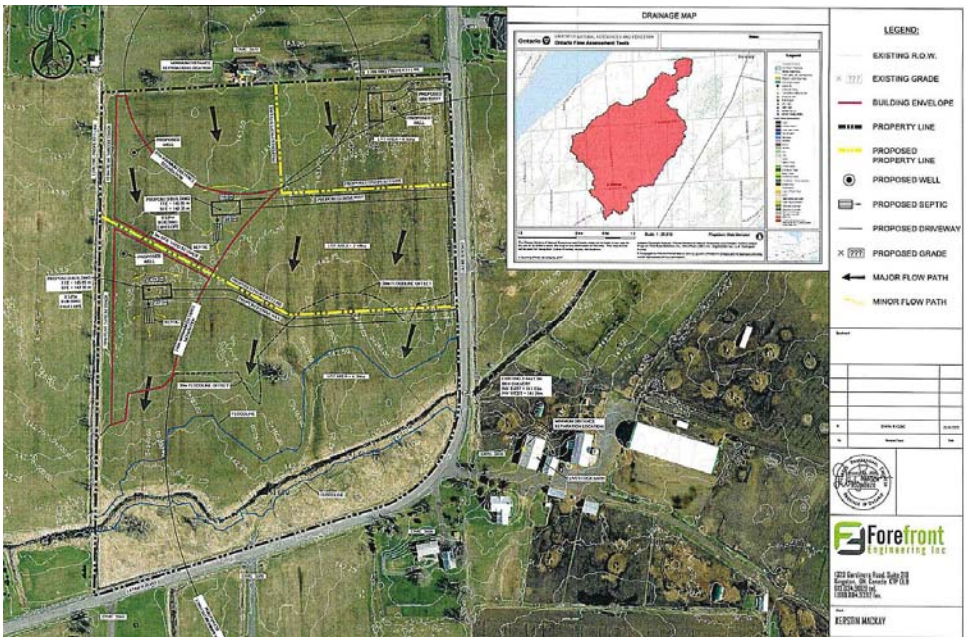
Chris Wicke
3287 Latimer Road

Appendix A – Fragmentation of the Lands near 3467 Latimer Road

Illustration of lands (in red) to be removed from potential for agricultural production.



Proposed lots for reference



Appendix B – Minimum Distance Separation Calculations



Livestock/Manure Information

Is there ONLY a manure storage on this lot (i.e. no existing livestock barn)?	No
Is there an anaerobic digester on this lot?	No
The livestock/manure information for this location has been confirmed with the property owner and/or farm operator?	Yes

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Goats, Does & bucks (for meat; includes unweaned offspring)	115	14.4	160 m²

Add Livestock/Manure

Calculation Summary

Design Capacity (NU): 14.4

Potential Design Capacity (NU): 14.4

Factor A (Odour Potential)		Factor B (Size)		Factor D (Manure Type)		Factor E (Encroaching Land Use)		Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X	181.24	X	0.7	X	1.1	=	98 m (321 ft)	TBD

Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
98 m (321 ft)	TBD

GENERAL

1. All works to be installed in accordance with current Township of South Frontenac Guidelines, Ontario Building Code and, Ontario Provincial Standard Specifications and Drawings unless specified otherwise.
2. Prior to construction, Contractor to verify all dimensions, sewer inverts and utility locates and identify possible conflicts.
3. In the event that human remains are encountered during construction, the Contractor shall immediately contact the Ministry of Tourism Culture and Sport, the Registrar of the Cemeteries Regulation Unit from the Ministry of Consumer Services, at (416) 326-8393 and Ontario Provincial Police.

GRADING

1. Finished surfaces shall be at a minimum grade of 2% unless otherwise noted.
2. Slopes in landscaped areas shall not exceed 3:1.
3. All existing elevations and grades are to be verified by the contractor prior to grading
4. Utilities are to be located prior to construction
5. All ground surfaces shall be graded to prevent ponding and without low areas except where approved swale or catchbasin outlets are provided.
6. Maximum hard surface grades are to be 8.0%.
7. Conflicts between the architectural drawings and grading shall be brought to the attention of the contract administrator.
8. The contractor is responsible for reviewing proposed grades with conflicts regarding the proposed structures.
9. Sub-drain and outlet elevations are to be confirmed prior to construction any structures.
10. Sub-grade shall be graded at a minimum of 2%, until a lower ditch is encountered or the existing surface drains away from the sloped sub-grade.
11. Gravel areas include all rounding required to maintain the proposed gravel pad edges.

SEDIMENT AND EROSION CONTROL NOTES

1. All erosion and sediment controls shall be installed prior to construction and monitored and maintained by the Contractor throughout the construction process, until all disturbed areas have been revegetated then the temporary sediment and erosion control measures must be removed once the site has been stabilized/completed of site works.
2. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of CRCA.
3. Regardless of site specific items detailed on the plans, the Contractor shall install erosion control measures to suit the proposed work methods to control sediment from running off the site prior to any disturbance.
4. Staked straw bale filters and flow checks to be installed as per OPSD 219.100 and OPSD 219.180.

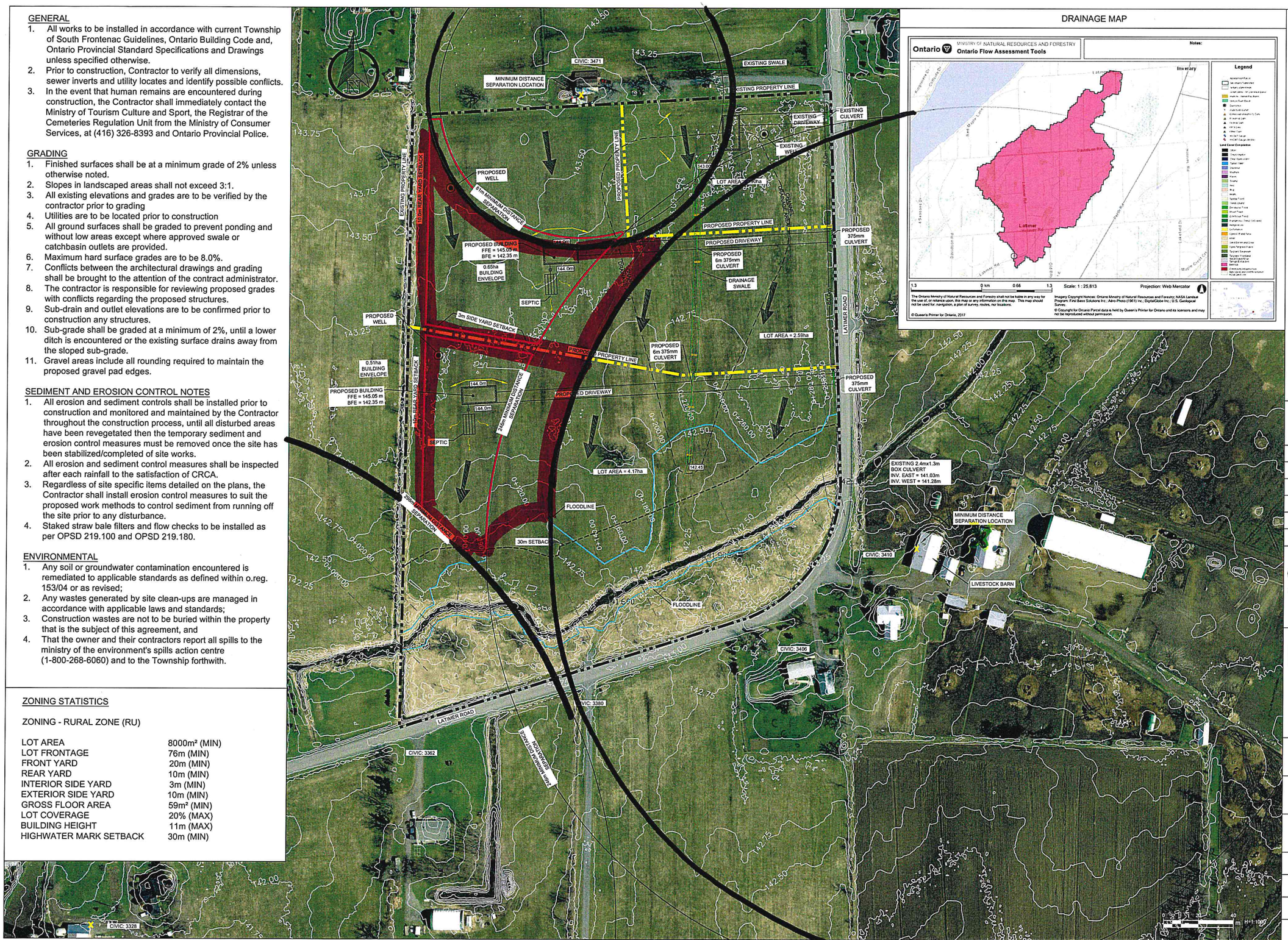
ENVIRONMENTAL

1. Any soil or groundwater contamination encountered is remediated to applicable standards as defined within o.reg. 153/04 or as revised;
2. Any wastes generated by site clean-ups are managed in accordance with applicable laws and standards;
3. Construction wastes are not to be buried within the property that is the subject of this agreement, and
4. That the owner and their contractors report all spills to the ministry of the environment's spills action centre (1-800-268-6060) and to the Township forthwith.

ZONING STATISTICS

ZONING - RURAL ZONE (RU)

LOT AREA	8000m² (MIN)
LOT FRONTAGE	76m (MIN)
FRONT YARD	20m (MIN)
REAR YARD	10m (MIN)
INTERIOR SIDE YARD	3m (MIN)
EXTERIOR SIDE YARD	10m (MIN)
GROSS FLOOR AREA	59m² (MIN)
LOT COVERAGE	20% (MAX)
BUILDING HEIGHT	11m (MAX)
HIGHWATER MARK SETBACK	30m (MIN)



DRAINAGE MAP

LEGEND:

- EXISTING R.O.W.
- EXISTING GRADE
- BUILDING ENVELOPE
- PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED WELL
- PROPOSED SEPTIC
- PROPOSED DRIVEWAY
- PROPOSED GRADE
- MAJOR FLOW PATH
- MINOR FLOW PATH

Benchmark

R2	AS PER AGENCY COMMENTS	17/08/2020
R1	GENERAL REVISIONS	23/01/2020
No.	Revision/Issue	Date

LICENSED PROFESSIONAL ENGINEER D. F. FORSTER 90298928 August 19, 2020 PROVINCE OF ONTARIO

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8
613.634.9009 tel.
1.888.884.9392 fax.

Client: KERSTIN MACKAY

Project: LATIMER ROAD

Drawing: SITE PLAN

Drawn by: JB	Checked by: DP	Project No.
Designed by: DP	Approved by: DP	Drawing No. SK1
Date: JANUARY 2020		
Scale: 1:1000		

Markups by Christine Woods

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020

Application No: S-35-19-S
Owners: Kevin and Kerstin MacKay
Location of Property: Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road
Purpose of Application: Consent for the creation of a new residential lot
Date of Hearing: March 12, 2020

Recommendation: That provisional consent be:

✓ granted with conditions (attached)

deferred

denied

Purpose:

enlarge abutting lot

✓ create new lot

right-of-way / easement

other:

Area Severed: +/-2.6 hectares (+/-6.4 acres) **Frontage:** +/-80 metres (+/-262.5 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Severed lot is vacant.
Area Retained: +/-1.2 hectares (+/-3 acres) **Frontage:** +/-80 metres (+/-262.5 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Retained lot contains an existing single detached dwelling.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Conforms with section 51(24) of the *Planning Act*;

✓ Conforms with the County of Frontenac Official Plan (3.3 & 7.3.2);

✓ Conforms with the Township of South Frontenac Official Plan (5.2, 5.7.4 & 7.1); and

✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance).

Proposal

The purpose of this consent application is to seek permission to create an approximately 2.6 hectares (6.4 acres) vacant residential lot with approximately 80 metres (262.5 feet) of frontage along the north-south portion of Latimer Road. The retained parcel consists of approximately 3.8 hectares (9.4 acres) with approximately 160 metres (525 feet) of frontage along Latimer Road. There is a single detached dwelling at the north end of the retained parcel.

The subject property is also subject to Consent Application S-34-19-S to create a second vacant residential lot.

The proposed lot boundary between the severed parcels was revised twice by the applicants to accommodate building envelopes that would meet minimum zoning and Minimum Distance Separation requirements.

The subject property is located north and west of Latimer Road, just south of Holmes Road. The topography is generally flat with surface drainage toward a watercourse that flows from east to west across the southern portion of the property. A ditch was constructed earlier this year from the north end of the subject property near the dwelling to the watercourse, to improve drainage in the area of the dwelling.

Agency and Public Comments

Comments from agencies and the public are summarized in this section of this report.

Public Services – The Director of Public Services provided comments on July 14, 2020, and has no objection to the approval of the application. There are adequate sight lines for a proposed entrance. There may be drainage issues on the property outside the municipal road allowance. A road widening is not required in this location. The standard condition requiring the applicant to enter into a development agreement to address lot grading and drainage prior to the issuance of a building permit and the requirement to obtain an entrance permit addresses the requirements of the Public Services Department on this application.

KLF&A Public Health – KFL&A Public Health indicated on March 19, 2020, that it has no objection to the approval of the application. It was noted that the proposed lot is capable of providing flexibility in siting a sewage disposal system. Specific requirements for soil conditions will be indicated on an Application to Construct a Sewage System prior to site development.

Cataraqui Conservation – On June 3, 2020, Cataraqui Conservation staff recommended deferral of the application until the applicant demonstrated safe access to the proposed building envelopes over the ditch was constructed from the north end of the subject property near the dwelling to the watercourse. On October 2, 2020, Cataraqui Conservation staff indicated that they are satisfied with the findings of an engineering opinion on this topic (Forefront Engineering Inc., August 12, 2020). Staff indicated that they have no objection to the approval of the application, and recommended that the approval include a recommendation requiring the applicants to obtain a permit under Ontario Regulation 148/06 for the required laneway culvert crossings.

Public Comments – To date, written comments have been received from two members of the public.

Kevin Bovey (3328 Latimer Road) raised concerns that Minimum Distance Separation (MDS I) calculations were not completed for his farms, and that the Farm Data Sheets did not accurately reflect the capacity of the farming operations that surround the subject lands. Concerns were also

raised about the proximity of drilled wells to his pasture/hay field (e.g. potential complaints/contamination) and future neighbour complaints about his livestock (e.g. noise, smell), as well as the irregular shape of the lots.

Chris Wicke (3287 Latimer Road) provided a letter of opposition to the applications. This individual raised concerns about the appropriateness of the proposed consents for residential development related to Planning Act, Provincial Policy Statement 2014 (PPS), and Township of South Frontenac Official Plan. It is his opinion that:

- the applications conflict with the PPS,
- Minimum Distance Separation was not appropriately addressed because calculations were not completed for one of the farms,
- residential lots will increase the likelihood of nuisance complaints against normal farm practices for existing operations,
- one of the driveways would be located close to a challenging and tight curve,
- there would be extremely limited locations for houses on the lots,
- the lot configurations are awkward, and
- the development will exacerbate existing issues with drainage in a flood-prone area.

This individual recommended that the MDS calculations be subject to peer review due to omissions and the potential impact on the proposal.

Planning Analysis

There are three main policy themes that apply to the proposed severance. These are rural residential development, Minimum Distance Separation, and development in an Environmentally Sensitive Area.

Rural Residential Development

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including residential lot creation and development that is compatible with the rural landscape (section 1.1.5).

Similarly, section 5.7 of the Township Official Plan indicates that rurally oriented non-farm residential, along with agricultural, is one of the predominant uses of land in the Rural designation. Section 5.7.4 states that “It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township’s Settlement Areas. However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas… and natural hazards.” This separation is provided for the proposed severed parcel by Minimum Distance Separation from livestock facilities (barns) and setbacks from watercourses and floodplains.

The proposed severed parcel meets the Rural Residential policies (section 5.7.4(ii)) including having a frontage, size and shape that conforms to the zoning by-law, the ability to be serviced by private water and sewage disposal systems, and having frontage on a public road. It is the opinion of staff that the consent generally provides for a satisfactory geometric design of the parcels (section 7.1(d)).

Minimum Distance Separation

In conformity with the PPS, the Township Official Plan requires all division of land for non-farm uses to comply with the Minimum Distance Separation Formulae I (MDS I) (section 7.1(l)). The Township Zoning By-law also requires residential development to comply with MDS I.

Township staff calculated MDS I for three of the four farming operations based on Farm Data Sheets provided by the owners prior to submission of the consent application. These separation distances were incorporated into the original submission.

Upon further review of the file following the public meeting, staff determined that Farm Data Sheets had been provided for the fourth livestock operation, but the calculations had not been completed for the fourth operation. As a result of the public comments received, staff requested the four farm operators that could be impacted by the consent application to review the Farm Data Sheets that had been submitted and to provide additional or corrected information if appropriate. Staff calculated MDS I for five livestock barns and manure storages based on the feedback provided by each of the farm operators.

Staff calculated MDS I using the formulae and guidelines in Publication 853: The Minimum Distance Separation (MDS) Document (OMAFRA, 2016). Guideline #41 outlines how MDS I setbacks are measured for the creation of lots. This guideline indicates that "*for proposed lots without an existing dwelling that are > than 1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters".*

The following table identifies the required MDS I setbacks for each of the surrounding livestock barns and manure storages based on the most recent farm data sheet information, with the exception of 3410 Latimer Road. The original MDS I calculation for 3410 Latimer Road resulted in a more conservative setback.

Location of Livestock Barn and Manure Storage	**Actual Distance from Livestock Barn and Manure Storage to Subject Property (Metres)**	**Minimum Required MDS I Setback (Metres)**
3328 Latimer Road	210	298
3293 Latimer Road	290	229
3471 Latimer Road	1	87
3380 Latimer Road	315	104
3410 Latimer Road	85	246

A revised lot layout (Forefront Engineering Inc., August 12, 2020), as further marked-up by Township staff, (Attachment 1) reflects these MDS I setbacks. The revised lot layout demonstrates that the severed parcel is capable of having a building envelope greater than 0.5 hectares in area as required by the MDS Document (OMAFRA, 2016). Staff note that the MDS I setback from 3410 Latimer Road was originally measured from a building that is not a livestock barn. The closest livestock barn is farther onto the property, meaning that the MDS I setback impacts less of the severed parcel. This is illustrated by the mark-ups on the site plan. The revised lot layout also demonstrates that it is possible to further adjust the proposed lot line between the severed parcel and the severed parcel associated with application S-34-19-S, and continue to comply with Guideline #41 of the MDS Document.

Environmentally Sensitive Area

In conformity to the PPS, the Township Official Plan specifies that consents shall not be granted for a parcel of land which is subject to flooding or erosion (section 7.1(e)). In the absence of detailed floodplain mapping, and where a flooding hazard is suspected a proponent may be required to detail the extent of any hazard lands (section 5.2.3(e)). A drainage analysis was prepared by Forefront Engineering Inc. (dated October 4, 2019, revised January 24, 2020) in support of the consent application. The analysis defined the extent of the 1:100 year flood plain on the subject lands, and demonstrated that the severed parcel contains a building envelope outside the floodplain.

Following submission of the consent application and the drainage analysis, a ditch was constructed from the north end of the subject property near the dwelling to the watercourse. Floodwaters have the potential to back up the ditch impacted driveways. At the request of Cataraqui Conservation, an additional drainage analysis was prepared by Forefront Engineering Inc. (August 12, 2020) that demonstrates that safe access to the proposed building envelopes can be achieved across the ditch. Cataraqui Conservation staff indicated that they are satisfied with the findings of this engineering opinion.

The documentation also demonstrated that the severed parcel contains a building envelope outside the minimum 30 metre setback required from the high water mark of a watercourse as required by Official Plan section 5.2.7(b) and Zoning By-law section 5.8.2(a).

Conclusion

It is recommended that application S-35-19-S be **approved** for the consent to create a new residential lot in Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road, subject to conditions.

Recommended Conditions for Consent Application S-35-19-S

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 Certificate of Official issuance. The deed must be registered within two years of the issuance of the Certificate of Official.

Severed Lands

2. The land to be severed by Consent Application S-35-19-S shall be for the creation of one new lot with +/-2.6 hectares (+/-6.4 acres) of vacant land with +/-80 metres (+/-262.5 feet) on Latimer Road.

3. The land to be severed by Consent Application S-35-19-S shall not be finalized and the transfer not be registered prior to finalizing the land to be severed by Consent Application S-34-19-S.

Survey/Reference Plan or Registerable Description

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

5. The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Drainage Easement

6. A surveyed drainage easement shall be established over the ditch servicing the retained parcel and the lands within 6 metres of both sides of the ditch, and shall be registered on title in favour of the land to be severed by Consent Application S-34-19-S, the land to be severed by Consent Application S-35-19-S, and the retained parcel, to the satisfaction of the Township Development Services staff.

Road Widening

7. The surveyor who prepares the reference plan referred to in Condition #3 and #4 shall also determine by survey the width of the public road to be 66 feet. If such width is less than 66 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner;

    a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to issuing the Certificate of Official;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;

    e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

Municipal Requirements

8. 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 issuance of the Certificate of Official.

9. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed, in lieu of parkland [Planning Act, s. 51(1)].

10. In the event that there are abandoned wells located on the severed parcel or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

11. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcel to address the development of the lot, including an entrance permit,

demonstration of potable water, and a lot grading and drainage plan to be submitted at the building permit stage. The agreement will also include a site plan revised to identify the final MDS I setbacks from each livestock facility and drainage easement, and will notify owners of the applicability of Ontario Regulation 148/06.

Zoning

12. Where a violation of Township of South Frontenac Comprehensive Zoning By-law 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: June 29, 2020

Attachment: Site Plan prepared by Forefront Engineering, dated January 2020, revised August 12, 2020, and marked-up by Township staff October 2, 2020.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 7, 2020

Application No: S-35-19-S
Owners: Kevin and Kerstin MacKay
Location of Property: Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road
Purpose of Application: Consent for the creation of a new residential lot
Date of Hearing: March 12, 2020

Recommendation: That provisional consent be:

✓ granted with conditions (attached)

deferred

denied

Purpose:

enlarge abutting lot

✓ create new lot

right-of-way / easement

other:

Area Severed: +/-3.8 hectares (+/-9.4 acres) **Frontage:** +/-100 metres (+/-328 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Severed lot is vacant.
Area Retained: +/-3.8 hectares (+/-9.4 acres) **Frontage:** +/-160 metres (+/-525 feet) on Latimer Road	**Official Plan Designation:** Rural **Zoning:** Rural Retained lot contains a single detached dwelling.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Conforms with section 51(24) of the *Planning Act*;

✓ Conforms with the County of Frontenac Official Plan (3.3 & 7.3.2);

✓ Conforms with the Township of South Frontenac Official Plan (5.2, 5.7.4 & 7.1); and

- ✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning or minor variance).

Proposal

The purpose of this consent application is to seek permission to create an approximately 3.8 hectare (9.4 acre) vacant residential lot with approximately 100 metres (328 feet) of frontage along the north-south portion of Latimer Road. The retained parcel consists of approximately 3.8 hectares (9.4 acres) with approximately 160 metres (525 feet) of frontage along Latimer Road. There is a single detached dwelling at the north end of the retained parcel.

The subject property is also subject to Consent Application S-34-19-S to create a second vacant residential lot.

The proposed lot boundary between the severed parcels was revised twice by the applicants to accommodate building envelopes that would meet minimum zoning and Minimum Distance Separation requirements.

The subject property is located north and west of Latimer Road, just south of Holmes Road. The topography is generally flat with surface drainage toward a watercourse that flows from east to west across the southern portion of the property. A ditch was constructed earlier this year from the north end of the subject property near the dwelling to the watercourse, to improve drainage in the area of the dwelling.

Agency and Public Comments

Comments from agencies and the public are summarized in this section of this report.

Public Services – The Director of Public Services provided comments on July 14, 2020, and has no objection to the approval of the application. There are adequate sight lines for a proposed entrance. There may be drainage issues on the property outside the municipal road allowance. A road widening is not required in this location. The standard condition requiring the applicant to enter into a development agreement to address lot grading and drainage prior to the issuance of a building permit and the requirement to obtain an entrance permit addresses the requirements of the Public Services Department on this application.

KLF&A Public Health – KFL&A Public Health indicated on March 19, 2020, that it has no objection to the approval of the application. It was noted that the proposed lot is capable of providing flexibility in siting a sewage disposal system. Specific requirements for soil conditions will be indicated on an Application to Construct a Sewage System prior to site development.

Cataraqui Conservation – On June 3, 2020, Cataraqui Conservation staff recommended deferral of the application until the applicant demonstrated safe access to the proposed building envelopes over the ditch was constructed from the north end of the subject property near the dwelling to the watercourse. On October 2, 2020, Cataraqui Conservation staff indicated that they are satisfied with the findings of an engineering opinion on this topic (Forefront Engineering Inc., August 12, 2020). Staff indicated that they have no objection to the approval of the application, and recommended that the approval include a recommendation requiring the applicants to obtain a permit under Ontario Regulation 148/06 for the required laneway culvert crossings.

Public Comments – To date, written comments have been received from two members of the public.

Kevin Bovey (3328 Latimer Road) raised concerns that Minimum Distance Separation (MDS I) calculations were not completed for his farms, and that the Farm Data Sheets did not accurately reflect the capacity of the farming operations that surround the subject lands. Concerns were also

raised about the proximity of drilled wells to his pasture/hay field (e.g. potential complaints/contamination) and future neighbour complaints about his livestock (e.g. noise, smell), as well as the irregular shape of the lots.

Chris Wicke (3287 Latimer Road) provided a letter of opposition to the applications. This individual raised concerns about the appropriateness of the proposed consents for residential development related to Planning Act, Provincial Policy Statement 2014 (PPS), and Township of South Frontenac Official Plan. It is his opinion that:

- the applications conflict with the PPS,
- Minimum Distance Separation was not appropriately addressed because calculations were not completed for one of the farms,
- residential lots will increase the likelihood of nuisance complaints against normal farm practices for existing operations,
- one of the driveways would be located close to a challenging and tight curve,
- there would be extremely limited locations for houses on the lots,
- the lot configurations are awkward, and
- the development will exacerbate existing issues with drainage in a flood-prone area.

This individual recommended that the MDS calculations be subject to peer review due to omissions and the potential impact on the proposal.

Planning Analysis

There are three main policy themes that apply to the proposed severance. These are rural residential development, Minimum Distance Separation, and development in an Environmentally Sensitive Area.

Rural Residential Development

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including residential lot creation and development that is compatible with the rural landscape (section 1.1.5).

Similarly, section 5.7 of the Township Official Plan indicates that rurally oriented non-farm residential, along with agricultural, is one of the predominant uses of land in the Rural designation. Section 5.7.4 states that “It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township’s Settlement Areas. However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas… and natural hazards.” This separation is provided for the proposed severed parcel by Minimum Distance Separation from livestock facilities (barns) and setbacks from watercourses and floodplains.

The proposed severed parcel meets the Rural Residential policies (section 5.7.4(ii)) including having a frontage, size and shape that conforms to the Zoning By-law, the ability to be serviced by private water and sewage disposal systems, and having frontage on a public road. It is the opinion of staff that the consent generally provides for a satisfactory geometric design of the parcel (section 7.1(d)).

Minimum Distance Separation

In conformity with the PPS, the Township Official Plan requires all division of land for non-farm uses to comply with the Minimum Distance Separation Formulae I (MDS I) (section 7.1(l)). The Zoning By-law also requires residential development to comply with MDS I.

Township staff calculated MDS I for three of the four livestock operations based on Farm Data Sheets provided by the Owners prior to submission of the consent application. These separation distances were incorporated into the original submission.

Upon further review of the file following the public meeting, staff determined that Farm Data Sheets had been provided for the fourth livestock operation, but the calculations had not been completed for the fourth operation. As a result of the public comments received, staff requested the four farm operators that could be impacted by the consent application to review the Farm Data Sheets that had been submitted and to provide additional or corrected information if appropriate. Staff calculated MDS I for five livestock barns and manure storages based on the feedback provided by each of the farm operators.

Staff calculated MDS I using the formulae and guidelines in Publication 853: The Minimum Distance Separation (MDS) Document (OMAFRA, 2016). Guideline #41 outlines how MDS I setbacks are measured for the creation of lots. This guideline indicates that "*for proposed lots without an existing dwelling that are > than 1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters".*

The following table identifies the required MDS I setbacks for each of the surrounding livestock barns and manure storages based on the most recent farm data sheet information, with the exception of 3410 Latimer Road. The original MDS I calculation for 3410 Latimer Road resulted in a more conservative setback.

Location of Livestock Barn and Manure Storage	**Actual Distance from Livestock Barn and Manure Storage to Subject Property (Metres)**	**Minimum Required MDS I Setback (Metres)**
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3410 Latimer Road	85	246

A revised lot layout (Forefront Engineering Inc., August 12, 2020), as further marked-up by Township staff, (Attachment 1) reflects these MDS I setbacks. The revised lot layout demonstrates that the severed parcel is capable of having a building envelope greater than 0.5 hectares in area as required by the MDS Document (OMAFRA, 2016). Staff note that the MDS I setback from 3410 Latimer Road was originally measured from a building that is not a livestock barn. The closest livestock barn is farther onto the property, meaning that the MDS I setback impacts less of the severed parcel. This is illustrated by the mark-ups on the site plan. The revised lot layout also demonstrates that it is possible to further adjust the proposed lot line between the severed parcel and the severed parcel associated with application S-35-19-S, and continue to comply with Guideline #41 of the MDS Document.

Environmentally Sensitive Area

In conformity to the PPS, the Township Official Plan specifies that consents shall not be granted for a parcel of land which is subject to flooding or erosion (section 7.1(e)). In the absence of detailed floodplain mapping, and where a flooding hazard is suspected a proponent may be required to detail the extent of any hazard lands (section 5.2.3(e)). A drainage analysis was prepared by Forefront Engineering Inc. (dated October 4, 2019, revised January 24, 2020) in support of the consent application. The analysis defined the extent of the 1:100 year flood plain on the subject lands, and demonstrated that the severed parcel contains a building envelope outside the floodplain.

Following submission of the consent application and the drainage analysis, a ditch was constructed from the north end of the subject property near the dwelling to the watercourse. Floodwaters have the potential to back up the ditch impacted driveways. At the request of Cataraqui Conservation, an additional drainage analysis was prepared by Forefront Engineering Inc. (August 12, 2020) that demonstrates that safe access to the proposed building envelopes can be achieved across the ditch. Cataraqui Conservation staff indicated that they are satisfied with the findings of this engineering opinion.

The documentation also demonstrated that the severed parcel contains a building envelope outside the minimum 30 metre setback required from the high water mark of a watercourse as required by Official Plan section 5.2.7(b) and Zoning By-law section 5.8.2(a).

Conclusion

It is recommended that application S-35-19-S be **approved** for the consent to create a new residential lot in Part of Lot 23, Concession 7, Geographic Township of Kingston, being Parts 1, 2, 3, 4, 5 & 6 on Plan 13R16540, District of Storrington, Township of South Frontenac, municipally known as 3467 Latimer Road, subject to conditions.

Recommended Conditions for Consent Application S-34-19-S

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 Certificate of Official issuance. The deed must be registered within two years of the issuance of the Certificate of Official.

Severed Lands

2. The land to be severed by Consent Application S-35-19-S shall be for the creation of one new lot with +/-3.8 hectares (+/-9.4 acres) of vacant land with +/-100 metres (+/-328 feet) on Latimer Road.

3. The land to be severed by Consent Application S-35-19-S shall be finalized and the transfer be registered prior to finalizing the land to be severed by Consent Application S-34-19-S.

Survey/Reference Plan or Registerable Description

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

5. The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Drainage Easement

6. A surveyed drainage easement shall be established over the ditch servicing the retained parcel and the lands within 6 metres of both sides of the ditch, and shall be registered on title in favour of the land to be severed by Consent Application S-34-19-S, the land to be severed by Consent Application S-35-19-S, and the retained parcel, to the satisfaction of the Township Development Services staff.

Road Widening

7. The surveyor who prepares the reference plan referred to in Condition #4 and #5 shall also determine by survey the width of the public road to be 66 feet. If such width is less than 66 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner;

    a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to issuing the Certificate of Official;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

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

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;

    e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

Municipal Requirements

8. 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 issuance of the Certificate of Official.

9. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed, in lieu of parkland [Planning Act, s. 51(1)].

10. In the event that there are abandoned wells located on the severed parcel or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

11. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcel to address the development of the lot, including an entrance permit, demonstration of potable water, and a lot grading and drainage plan to be submitted at the building permit stage. The agreement will also include a site plan revised to identify the final MDS I setbacks from each livestock facility and drainage easement, and will notify owners of the applicability of Ontario Regulation 148/06.

Zoning

12. Where a violation of Township of South Frontenac Comprehensive Zoning By-law 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: June 29, 2020

Attachment: Site Plan prepared by Forefront Engineering, dated January 2020, revised August 12, 2020, and marked-up by Township staff October 2, 2020.

Revised August 10, 2020

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

Date Received: _____ File No: _____

1. Name of Owner(s): Doreen Boville

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: John Langlois

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

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

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 5 Lot Number: Part of Lot 25

Street Number: 757 Name of Road/Street: Burns Lane

Reference Plan Number: 13R-10390 Part Number(s): 1

Roll Number: 010-050-08905-0000

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): 214 feet (65.2m) Frontage (on road/lane): 460 feet (140.2m)

Depth: South property line 201 feet / North property line 265 feet to controlled high water mark Area: Approx 66,650 sq.ft. (6190 sq.m)

5. The current zoning of the subject land:

Residential

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

6.1 Front Deck on Residence - a portion of the proposed deck (from middle of building to NE corner is situated within the 30 m setback; NE corner is 26.2 m from high water mark

6.2 Bunkie/Sleeping Cabin - a portion of the proposed bunkie is situated within 30m setback; NE corner is 27.5m from high water mark; large rock formation between bunkie location & road makes it impractical to locate bunkie further back

6.3 Garage - request that maximum height be increased to 7m to accommodate loft area for storage

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

As noted above, a portion of the proposed deck and of the proposed sleeping cabin is situated within the 30m setback. Re: the garage, maximum height of accessory buildings is currently 6m; request is to increase to 7m.

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

Name of Road/Lane:

Burns 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 residential

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

☒ Yes ☐ No

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

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

Type of Structure (E.g. residence)	**(1)** Residence	**(2)** Shed	**(3)**	**(4)**
Setback from Front Lot Line	37 m SE corner 30.7 m NE corner	15 m		
Setback from Rear Lot Line	4.48 m SW corner 5.6 m NW corner	35 m		
Setback from Side Lot Line	38.1 m (South property line) 91.44 m (north property line)	4.14 m		
Height of Building (Also indicate if it is one story or two story)	9.3 m 2 Storey	3.65 m 1 Storey		
Dimensions of Floor Area	7.9 m x 10.4 m	3 m x 3 m		
Setback from High Water Mark (If applicable)	37 m SE corner 30.7 m NE corner	15 m		

13. The proposed uses of the subject land:

Residential / 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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Front Deck on Residence	Bunkie	Garage	
Setback from Front Lot Line	33.35 m SE corner 26.2 m NE corner	27.5 m	40 m	
Setback from Rear Lot Line	16 m SE corner 17.15 m NE corner	12.8 m	5 m	
Setback from Side Lot Line	38.1m (South property line) 87.8m (north property line)	82.3 m (South property line) 21.6 m (north property line)	3 m	
Height of Building (Also indicate if it is one story or two story)	N/A	max 6 m	7 m	
Outside Dimensions of Building/Structure	3.65m x 14.6 m	approx 4.6 m x 6m (300 sq. ft. total)	approx 8m wide x 9 m deep	
Setback from High Water Mark (If applicable)	33.35 m SE corner 26.2 m NE corner	27.5 m	40 m	

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:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

July 2008

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

Original building 1992; Shed 2010; renovations to original building 2015 - present

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

Since 1992

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

Private well

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

Private septic system, installed July 2008; operational as of Summer 2017

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

Natural soil drainage

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

☐ Yes ☑ No

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

---

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

☐ Yes ☐ No Unknown

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

---

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

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing. Green Bay Bobs Lake

iv) The location of all abutting (neighbours') lands. Separate diagrams provided

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

THIS 14th DAY OF June, 20 19

I, Doreen Boville OF North Kawartha, ON
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Doreen Boville
Signature of Applicant or Authorized Agent

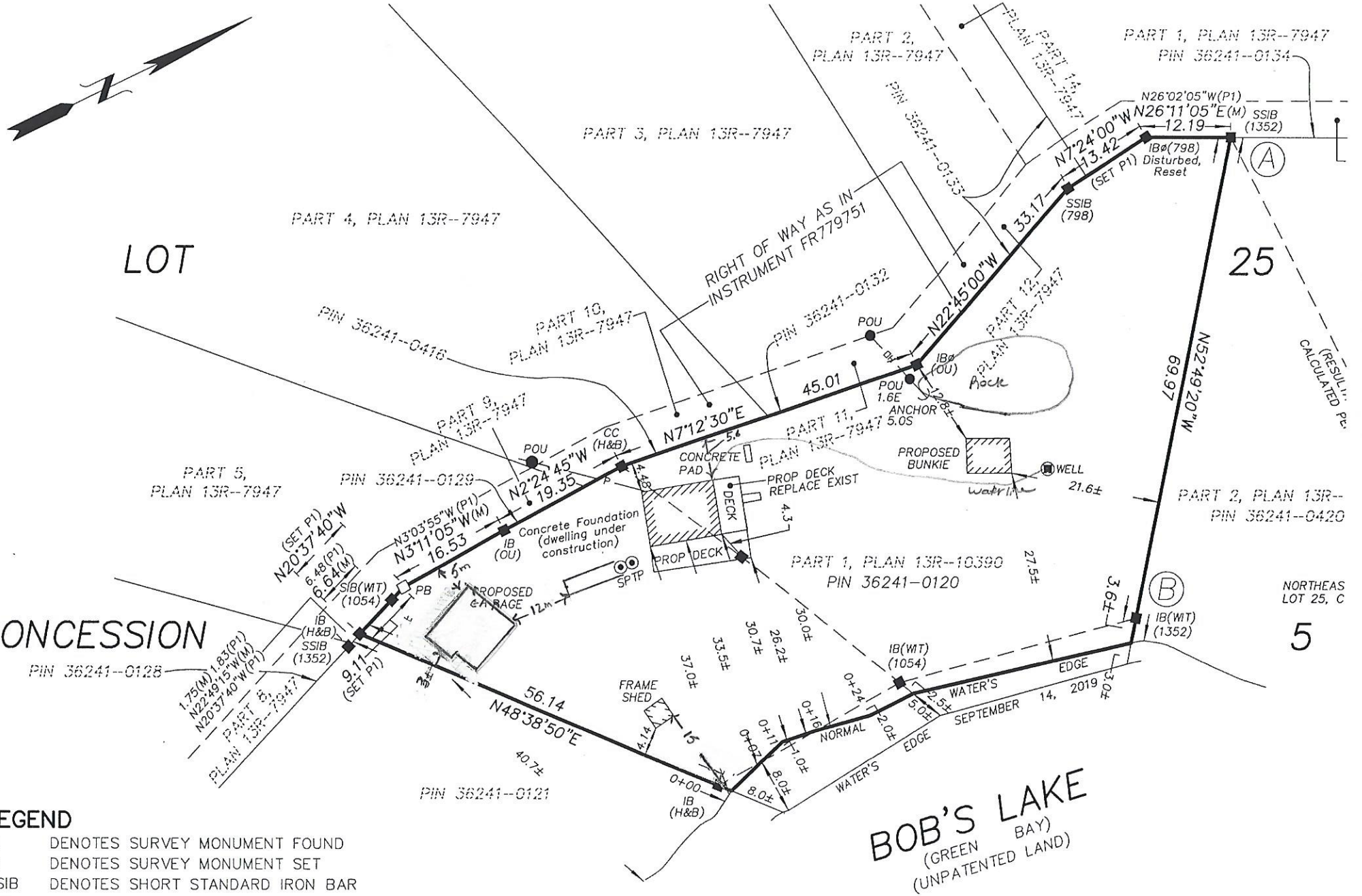
Signature of Applicant or Authorized Agent

DECLARED before me at the TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)

THIS 14 DAY OF JUNE, 20 19

[redacted]

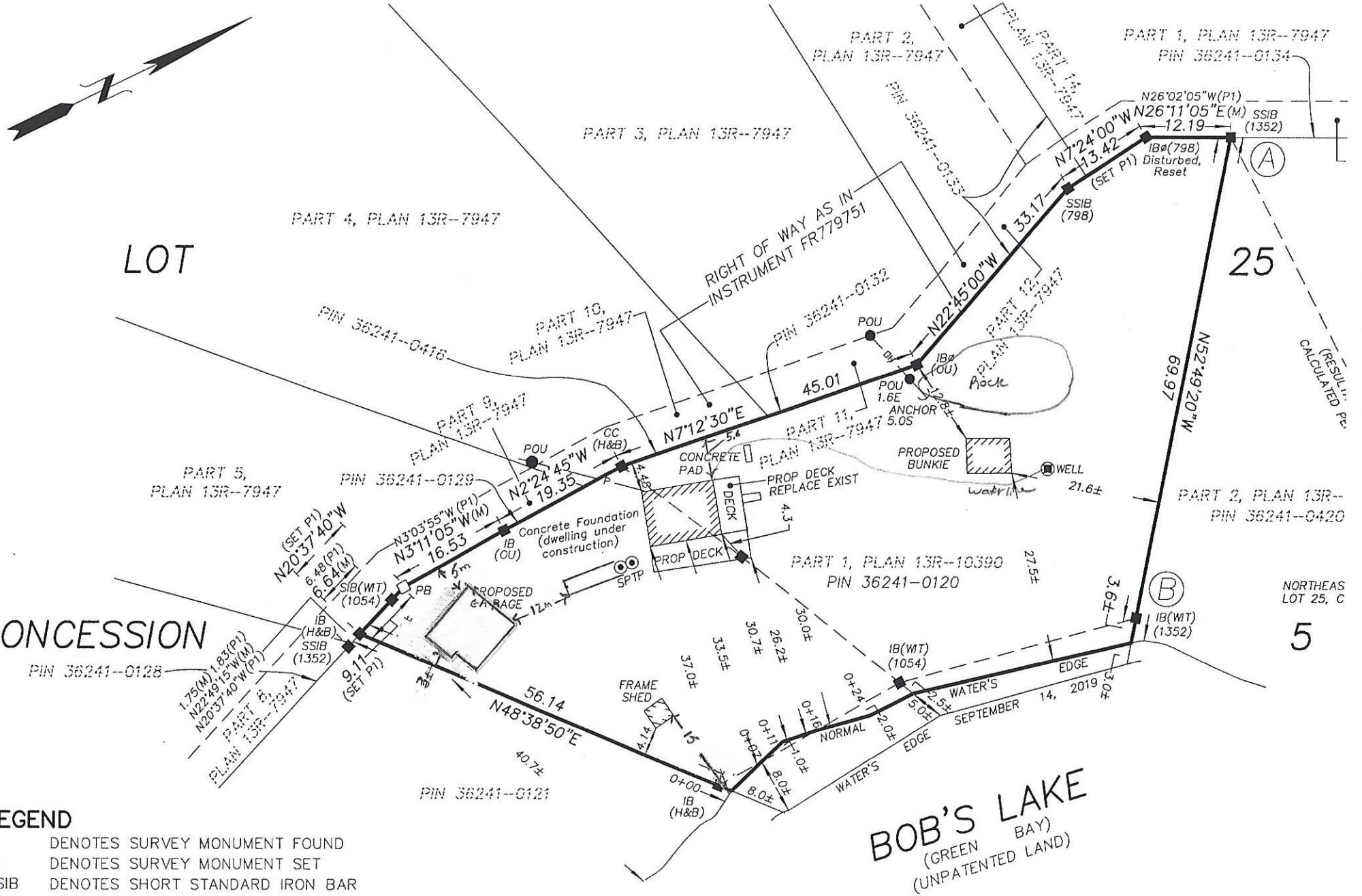
Revised August 10, 2020



LEGEND

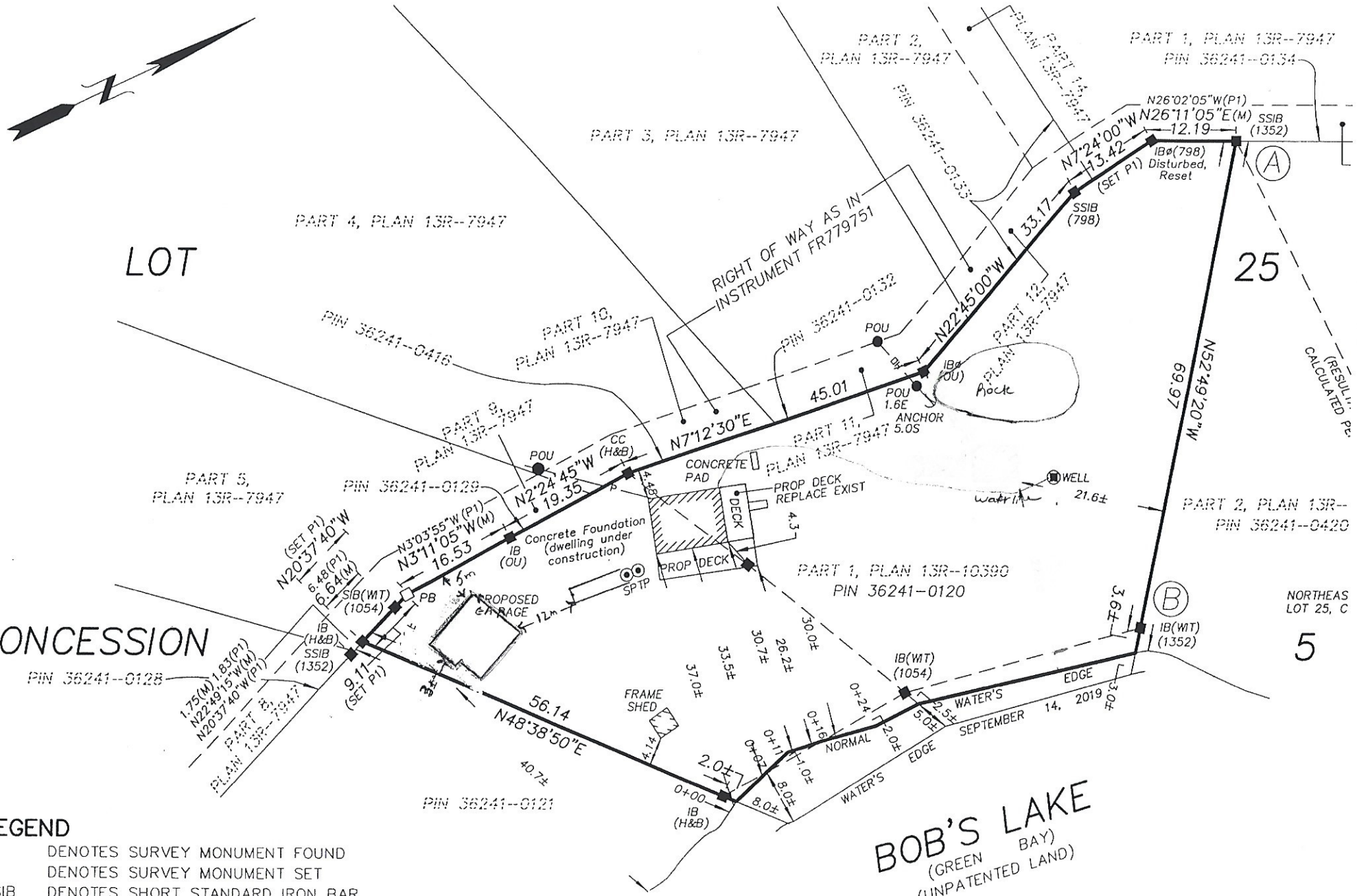
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PB	DENOTES PLASTIC BAR
CC	DENOTES CUT CROSS
Ø	DENOTES ROUND
WIT	DENOTES WITNESS

Revised August 10, 2020



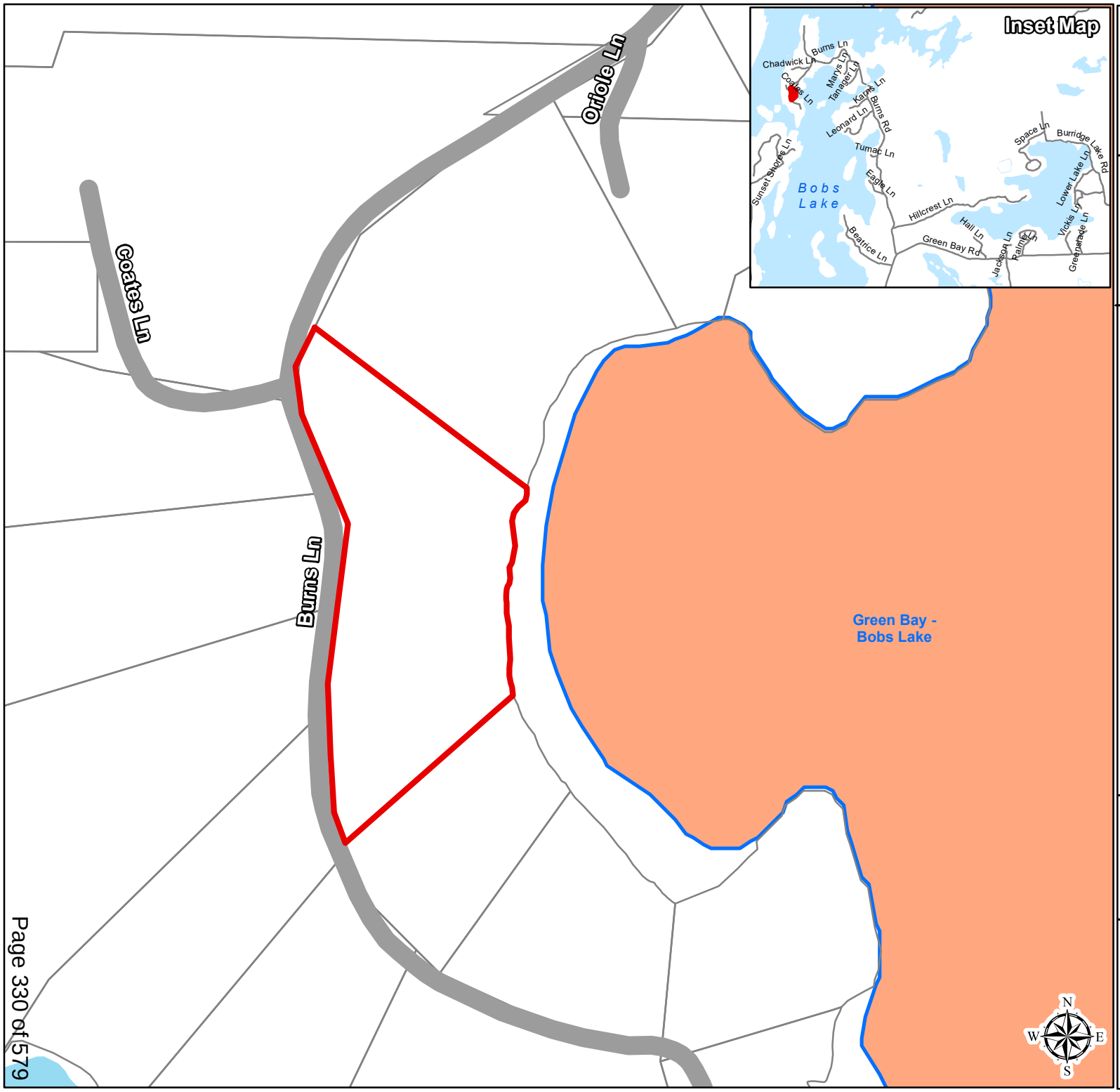
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TOWNSHIP OF SOUTH FRONTENAC

MV-07-20-B
(Boville)

757 BURNS LANE

Legend

- Boville Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Lake Trout Lake - At Capacity
- Lake Trout Lake - Not at Capacity
- Non-Lake Trout Lake - At Capacity
- Waterbody

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

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

Scale 1:1,480

0 5 10 20 30 40

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-07-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Boville, Doreen
Location:	Part Lot 25, Concession 5, Bedford 757 Burns Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the minor variance for the proposed garage and deck as the owner has submitted an application under permit number BE-29-20. Note: Bunkie is not included in the minor variance. It is only for the garage and deck.
Inspector:	Joanne McGurn, CPHI(C), Public Health Inspector
Date:	September 29, 2020

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.

KFL&A Public Health

Application for Review of Performance Level of Existing On-Site Sewage System

OFFICE USE ONLY	Application # BE-29-20
Name: BOVILLE, Doreen	Date Submitted: 16-Sep-20
Fee #: 5-72-20	Fee $: 250.00 Visa online
Renewal Date:	Entered: 16-Sep-20
Reference # to any previous application:	

1. Owner (mailing address)

Last name	First name	E-mail	
BOVILLE	DOREEN	doreen.boville@hotmail.com	
Street address: 5390 Hwy 28	Municipality: North Kawartha	Postal code: ON	Province: K0L 2H0
Telephone number: (705) 654-9926	Fax: ( )	Cell number: (705) 654-9926	

2. Location of property

Building number, street name	Lot/con.	Municipality
757 Burns Lane	25/5	South Frontenac (Bedford)

Plan number/other description	Part	Plan	Roll number
	LOT 25	13R-10390	

3. Proposal

☐ Building Addition ($500) ☑ Garage ($250) ☐ Pool ($250) ☑ Other* ($250)

* If other, please explain proposal or need for review:
Garage + front deck

4. Building addition

Existing number of bedrooms:	Additional number of bedrooms:	New total number of bedrooms:
3	0	3
Existing total floor area of dwelling: 148.6 m²	**Proposed additional floor area of dwelling:** m²	**New total floor area: (existing + proposed)** 148.6 m²

5. Existing Fixture Units (see OBC Table 7.4.9.3. for non-residential)

	# of Units		Total
Bathroom Group (3-4 piece bathroom)	2	x 6.0 =	12
Bathtub (with or without shower)		x 1.5 =	
Toilet	1	x 4.0 =	4
Clothes Washer	1	x 1.5 =	1.5
Dishwasher	1	x 1.0 =	1.0
Laundry Tubs	1	x 1.5 =	1.5
Shower Drain		x 1.5 =	
Sinks	3	x 1.5 =	4.5
Other		x . =	
TOTAL EXISTING		=	24.5

6. Additional Fixture Units – for proposed additions/renovations

	# of Units		Total
Bathroom Group (3-4 piece bathroom)		x 6.0 =	
Bathtub (with or without shower)		x 1.5 =	
Toilet		x 4.0 =	
Clothes Washer		x 1.5 =	
Dishwasher		x 1.0 =	
Laundry Tubs		x 1.5 =	
Shower Drain		x 1.5 =	
Sinks		x 1.5 =	
Other		x . =	
TOTAL EXISTING		=	

7. Water supply

☐ Proposed ☑ Existing

☑ Drilled well Casing depth 45 m
☐ Dug, bored, or blasted well
☐ Sandpoint or drivepoint well
☐ Surface water
☐ Shore well
☐ Municipal water
☐ Cistern
☐ Other:

8. Current sewage system information

☑ Septic tank 3600 litres
☐ Holding tank litres
☐ Leaching bed metres of distribution piping
☐ Treatment unit type
☑ Filter bed loading area 29.9 m²
☐ Class 1 and 2 (outhouse/privy and leaching pit)

9. Previous permit information *

Permit / Certificate of Approval number(s):	Year installed:	* If unknown, please attach a list of previous owners:
BE-21-08	2008	

10. Directions to lot (municipal address, secondary roads, signs to follow, etc.)

County Rd #8 (Westport Rd) west of Westport to Burridge Rd, north to Green Bay Rd, west to Burns Rd which turns into Burns Lane. Follow to #757

11. I certify that the foregoing information is true and accurate:

X Doreen Boville Signature of Legal Owner	Sept. 16/20 Date
X Signature of Agent	Date

MV-07-20B

Sewage System Plans Page

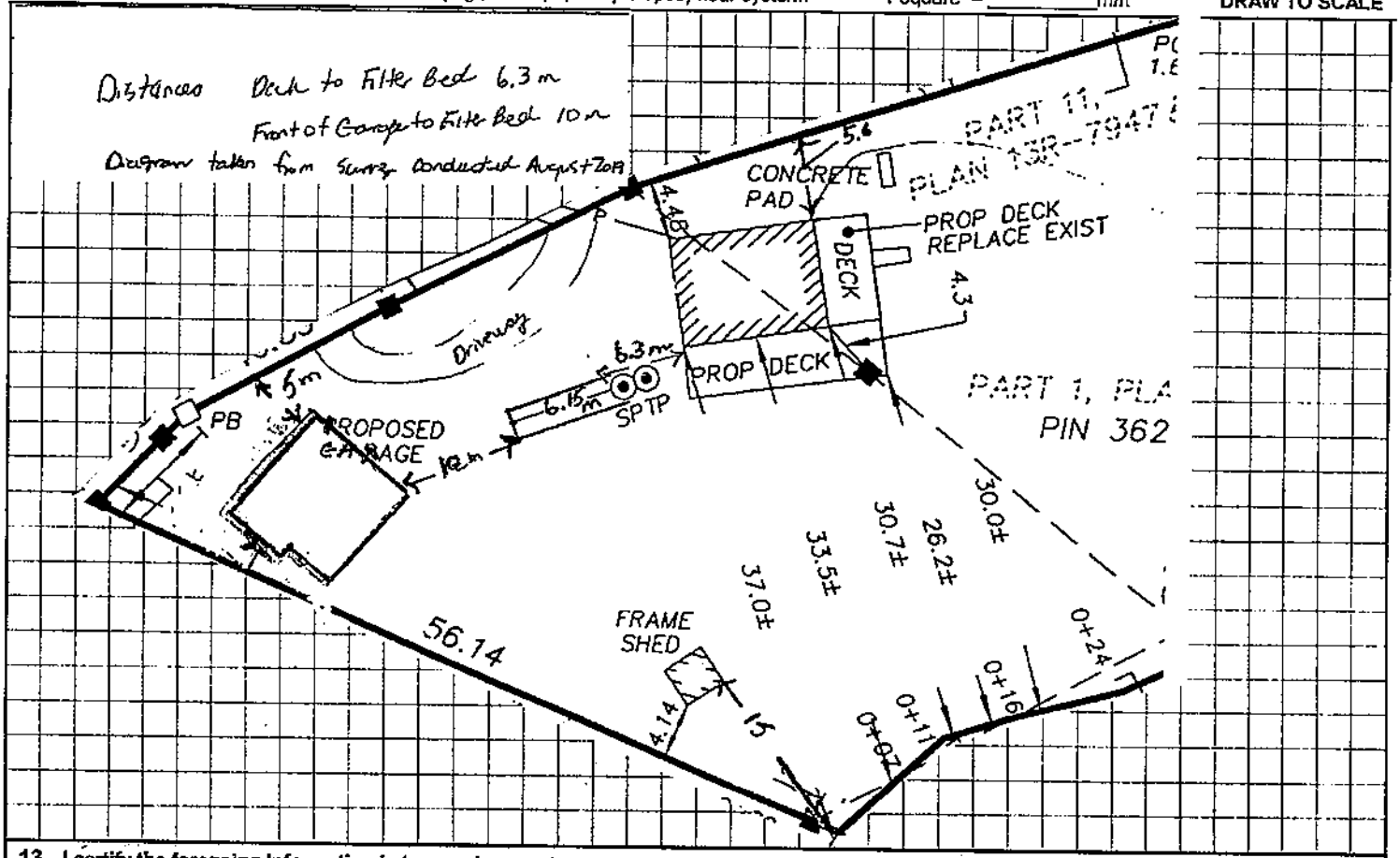
APPLICATION NO. BE-29-20
NAME: BOVILLE, Doreen

12. Lot diagram and sewage system plan (drawing must be accurate, to scale, indicate north point and show the following):

(a) Location of sewage system components (e.g. tank(s), leaching bed(s), etc). Locate and show horizontal distances from system to adjacent existing or proposed buildings, water supplies (including neighbours), existing on-site systems, driveways, property lines, lakes, rivers, springs, water courses, swimming pools.

(b) Lot dimensions topographic features (e.g., swamps, steep slopes) near system. 1 square = _____m/ft

DRAW TO SCALE



13. I certify the foregoing information is true and accurate:

Signature of Legal Owner	Signature of Agent	Date
X Doreen Boville	X	Sept. 16, 2020

14. Office use only

- ☑ Proposal will not reduce the performance level of the existing sewage system; no objections to issuance of a building permit for proposal.
- ☐ Sewage system is not contravening section 8.9.1.2. (1) (a) (b) (c) of the Ontario Building Code.
- ☐ Proposal will reduce the performance level of the existing sewage system. On-site sewage system will require upgrading.

15. Requirements

KFL&A Public Health has no objections to the approval of a building permit for the proposed garage and deck.

Inspector: _____ Date: Sept. 25, 2020

Chief Building Official: _____ Date: 2020-09-30

Rideau Valley Conservation Authority

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

September 23, 2020
20-SFR-MVA-0014 (BEDFORD)

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

Attention: Christine Woods RPP MCIP

Subject: **BOVILLE, Doreen;** Application **MV-07-20-B** – 757 Burns Lane, Part Lot 25, Concession 5; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 10290100500890500000

Dear Ms. Woods,

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

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

The Proposal

The RVCA understands this proposal to be an application to vary the minimum required setbacks for several proposed structures. This includes reducing the minimum required setback for a deck from 30 metres to 26.2 metres from the normal highwater mark of Bobs Lake and reducing the setback for a proposed sleeping cabin from 30 metres to 27.5 metres. It is also understood that a variance is being sought for the maximum height of a detached accessory structure (garage) to 7 metres but that the garage will be

constructed greater than 30 metres from the normal highwater mark. Our office will comment on the first two variance requests.

The Property

The subject property is indicated as being .62 hectares in area with a road frontage of 140.2 metres and a water frontage of 65.2 metres. There is an existing dwelling located at the subject property and it is setback 30.7 metres from the normal highwater mark. There is an existing frame shed located within the 30 metre setback.

A site visit was undertaken at the subject property on September 17, 2020. An active construction site was observed during the visit. Erosion was observed and a conversation was had with the applicant regarding installation of temporary sediment and erosion control devices. While there are very steep slopes on portions of the property, the average slope in the cottage area was measured to be about 25% (30% is generally accepted as a steep slope) using a digital clinometer. The average slope was higher near the location of the septic and approximately 18.2% in front of the cottage. The slope near the proposed sleeping cabin was a sheer cliff, but the proposed location of the cabin was measured to be greater than 15 metres from the cliff. The dominant soil type at the property was loamy sand over bedrock. Bedrock outcrops were present with some fractures observed. Other than a cleared area between the dwelling and the shore, the property was well vegetated and dominated by mature trees such as maple, beech and hickory. Several dead ash trees were observed at the property.

Armour stone was present in a stockpile near the shoreline of Bobs Lake. Through a conversation with the applicant, it was communicated that use of armour stone for any shoreline erosion protection works would not be permitted by RVCA. Through that discussion, the planner understood that the armour stone would be used for landscaping nearer to the cottage and would not interfere with the shoreline in any manner.

The property is adjacent Bobs Lake which is considered to be a watercourse for the purposes of our regulation. Bobs Lake has a regulated flood level of 163.07 metres above sea level (geodetic). A review of our records did not reveal the presence of any wetlands. The property is indicated as overlying a highly vulnerable aquifer as identified by the Mississippi-Rideau Source Protection Plan.

Review Comments

Provincial Policy Statement

Our office does not have any concerns in respect of Section 2.1 of the PPS.

Regarding Section 2.2, water, our office is of the opinion that standard best management practices to manage silt and erosion would be required as a condition of approval. We also have separate comments to deal with both the proposed deck projection and the sleeping cabin.

Regarding Section 3.1, natural hazards, the proposal avoids steep slope hazards in the vicinity of the sleeping cabin by being setback a minimum of 15 metres.

Ontario Regulation 174/06

The applicants should be aware that the shoreline of the subject property is regulated as a watercourse under Ontario Regulation 174/06. Therefore, prior written permission from our office is required in accordance with our regulation (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) for any future shoreline alterations, including dock installation or erosion stabilization works.

Tay River – Bobs Lake Catchment Report

Water quality ratings in the Green Bay area of the catchment have been rated from "good" to "very good" during the 2006-2017 monitoring period. Total phosphorus and total kjeldahl nitrogen in the 2006-2017 period had average concentrations of mg/l of 0.009 mg/l and 0.314 mg/l, respectively. These aggregated values are below the upper recommended limits for these nutrients and nearly all samples taken during the monitoring period are also below the limits. It is possible that occasional problems with nutrient enrichment (i.e. algal blooms, excessive plant growth) may be observed in shallow, sheltered bays or following periods of heavy runoff. Bacterial contamination (E. coli) is not a significant concern in Green Bay.

Key recommendations from the catchment report indicate:

- Consistently implement land use planning and development policies for water quality and shoreline protection adjacent Bobs Lake;
- Utilize the Rideau Lakes Study to inform decision making about setbacks on lots with shallow soils, bedrock, steep slopes and sparse vegetation;
- Use the 1:100 year flood elevation of 163.07 masl as an additional factor to be considered when assessing development setbacks at the shoreline;
- Aim to have development meet a 30 metre setback.

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. Some best practices that could be considered include increased well casing depths and increased distance of septic systems from drinking water wells.

Rideau Lakes Study

It is difficult to utilize the study in the context of this application. What can be said is that the study was first designed to advise on appropriate setbacks from waterbodies considering the factors of slope angle, soil type, depth of soil and vegetative cover of a property. Were the document applied to this property as a greenfield site, a recommended setback would be 60 metres from the normal highwater mark for all buildings and services (based on observed well-sandy loam at a depth of <50 cm on a slope between 10-25% consisting of somewhat disturbed woodlands and shorelands). Clearly that is not feasible for the proposed parcel and the buildings and services already exist.

Township Official Plan

In reviewing this application, the planner referred to the Township's Official Plan. It is noted that Section 5.2.7(b)(i) classifies all lands within 90 metres of the highwater mark of all lakes and rivers which are not designated environmental protection as environmentally sensitive areas. Where development and site alterations are proposed in environmentally sensitive areas, it is the intent of the Plan that all buildings not related to the use of the water be well setback from the highwater mark. More specifically, a minimum setback of 30 metres from the highwater mark shall apply.

The planner also notes that a specific point provided for development within the 30 metre setback indicates that:

> *"proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted…but in no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark."* – Section 5.2.7(b)(ii)(3)

The plan also notes that:

> *"….consideration may be given to very slight reductions to the minimum 30 metre 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."* – Section 5.2.7(b)(ii)(2)

The plan lists Green Bay as an at-capacity Lake Trout Lake.

Discussion

Based on the conditions encountered on-site and a review of the Official Plan, it is the opinion of the planner that the deck is generally consistent with the Township's Official Plan. The existing dwelling is not a currently encroaching structure, and therefore it appears that the addition of a deck would not be a further encroachment of an already encroaching structure. The planner has experience in neighbouring townships where some modest projections are permitted where there are no other options and where the 30 metre setback is met by the principle structure – as in this case.

Regarding the proposed location of the sleeping cabin, it was observed that this structure could be relocated slightly, either in orientation, setback or design in order to fully meet the required 30 metre setback from the normal highwater mark. Because it is possible for this structure to meet a 30 metre setback, the planner cannot support the requested variance that it be built at 27.5 metres. This view is also supported by Section 5.2.7(b)(ii)(2) where the plan requires that, where possible, the setback be met.

Conclusions

In conclusion, The Rideau Valley Conservation Authority:

- Must **object** to the requested variance to allow the sleeping cabin to be constructed at a setback of 27.5 metres rather than the required 30 metres because:

    - A reduction of a structure that can meet the 30 metre setback is not consistent with Section 5.2.7(b)(ii)(2) of the Township's Official Plan.

- Has **no objection** to the requested deck projection as long as the following conditions can be included, either through conditions of the variance decision or a site plan control agreement:

    - Surface and roof water runoff management shall be implemented by directing runoff from eavestrough 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.

    - Installation of appropriate sediment and erosion controls (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 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").

      Future construction shall have regard for the identified 1:100 year flood elevation of 163.07 metres above sea level (geodetic)."

    - An existing vegetation plan should be included as a schedule in any future site plan control agreement. This plan should note the location of the existing vegetation on the subject property and include text for its long-term retention.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 812-1497 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 RPP, MCIP

cc – Ms. Boville,
cc – KFLPHA

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 1, 2020

Application No: MV-07-20-B
Owner: Doreen Boville
Location of Property: 757 Burns Lane
Purpose of Application: To vary Sections 5.8.2 (a), 10.3.1 and 10.3.2 of Zoning By-law 2003-75
Date of Hearing: September 10, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose: ✓ zoning relief for construction of a new building

___ zoning relief for replacement of an existing building

___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	Limited Services Residential - Waterfront
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards (Deck)	**Relief:** To permit a deck attached to an existing single detached dwelling with a minimum setback of 26.2 metres (85.9 feet), from the high water mark of Bobs Lake, whereas the Zoning By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 10.3.1: Front Yard and High Water Mark Setback (Deck)	**Relief:** To permit a deck attached to an existing single detached dwelling with a minimum setback of 26.2 metres (85.9 feet), whereas the Zoning By-law requires a minimum 30 metre (98.4 feet) front yard and setback from the high water mark for the principal dwelling.
Section 10.3.2: Accessory Building Height (Garage)	To permit an accessory building (garage) with a maximum height of 7 metres (23 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet) for accessory buildings and structures.

Review:

This application for a variance:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains with the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the land, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance was received to permit an attached deck, a sleeping cabin and a garage, all of which require variances from Zoning By-law 2003-75. The 53.3 square metre (574 square foot) deck to be attached to the existing dwelling would be set back a minimum of 26.2 metres (85.9 feet) from the high water mark of Bobs Lake. The 27.9 square metre (300 square foot) sleeping cabin would be set back a minimum of 27.5 metres (90 feet) from the high water mark. The 72 square metre (775 square foot), two-storey garage would be 7 metres (23 feet) in height. The garage would be located outside the 30 metre setback from the high water mark.

Following discussions between the owner and staff from Rideau Valley Conservation Authority and KFL&A Public Health, the owner removed the sleeping cabin from the application.

The subject property is approximately 0.62 hectares (1.5 acres) in area. It has road frontage on Burns Lane and water frontage on the Green Bay of Bobs Lake. Green Bay of Bobs Lake is an at-capacity lake trout lake. The property contains an existing approximately 83 square metre (893.4 square foot) two-storey dwelling with a 28.8 square metre (310 square foot) attached deck and a 9 square metre (96.9 square foot) shed.

The total lot coverage for all buildings on this property will be 4%.

There is an approximate 5 metre elevation difference between the lane and the shoreline. The existing dwelling and proposed garage are located on a plateau near the lane. The existing shed is located at the base of the slope near the shoreline.

Agency and Public Comments

Public Services Department – Public Services was not circulated the application as the property is located on a private lane.

Building Department – The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

KFL&A Public Health – KFL&A Public Health has no objection to the proposed minor variance for the proposed garage and deck as the owner submitted an application for review of performance level of the existing on-site sewage system. The performance review found the existing system to be satisfactory for the proposed use.

Rideau Valley Conservation Authority – RVCA has no objection to the proposed variances for the attached deck and detached garage. They objected to the proposed variance for the sleeping cabin, since in their opinion, the building could be relocated slightly, either in orientation, setback or design in order to fully meet the required 30 metre setback from the high water mark. RVCA staff recommend several conditions to implement through the Committee of Adjustment decision or through site plan control. These conditions relate to managing surface and roof water runoff, installing sediment and erosion control measures, requiring an existing vegetation plan, and providing notice of RVCA regulatory requirements.

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

Planning Analysis Summary

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 variance maintain the general intent and purpose of the Official Plan?

- The subject lands are designated ‘Rural’ in the Official Plan on Schedule A. The type and amount of development on ‘Rural’ lands must maintain the rural character, natural heritage, and cultural landscape in the Township.

- It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, and development within environmentally sensitive areas and adjacent to at-capacity lake trout lakes.

- The subject lands are adjacent to the Green Bay of Bobs Lake, which is an at-capacity lake trout lake. Section 5.2.8 of the Official Plan requires development on lots of record adjacent to a sensitive lake trout lake (“at-capacity”) to be developed in accordance with the policies on Environmentally Sensitive Areas, specifically section 5.2.7(b)(ii). Section 5.2.7(b)(ii)(3), which speaks to proposals to construct additions to existing dwellings that are within the 30 metre setback from the high water mark, does not specifically apply to the proposal since the existing dwelling is set back at least 30.7 metres from the high water mark (i.e. it does not encroach on the setback). However, this policy specifies criteria for evaluating the merits of a proposal that can be useful in this situation. These criteria are the ultimate total gross floor area, building footprint and lot coverage being proposed, the closeness of the existing dwelling to the high water mark, and the capacity of the lot to accommodate new development at a greater setback from the high water mark. Total lot coverage for the property will be 4%, which is less than the maximum lot coverage permitted by the Zoning By-law. Due to the orientation of the dwelling to the shoreline, two-thirds of the proposed attached deck would be located beyond the 30 metre setback from the high water mark. The encroaching section of the deck would be located on an exposed bedrock outcrop and in an actively used section of the property. It is considered to be a modest projection.

- Section 5.2.7(b)(i) encourages maintenance of natural vegetation and the soil mantle within the 30 metre setback from the high water mark. The proposed location of the attached deck within the 30 metre setback is not expected to impact the environmental and visual screening functions of these lands. The portion of the deck within the 30 metre setback would be located on an exposed bedrock outcrop and in an actively used section of the property. The garage would be visually screened from the lake by the existing treed buffer.

Does the variance maintain the general intent and purpose of the Zoning By-law?

- The proposed variances maintain the general intent and purpose of the Zoning By-law as the proposed attached deck and garage are permitted uses on the subject property, are within the maximum lot coverage permitted, and the proposed locations comply with the setback requirements of the RLSW zone, with the exception of the reduced setback from the high water mark for the deck. The structures are proposed at the maximum setback possible from the high water mark on the lot.

Is the requested variance desirable for the appropriate development of the land, building or structure in question?

- The variances are desirable for the appropriate development of the subject property, as the proposed attached deck and garage are consistent with the residential use of the property and the proposed buildings and structures maintain the general intent and purpose of the Official Plan and Zoning By-law.

- Due to the orientation of the dwelling to the shoreline, two-thirds of the proposed attached deck would be located beyond the 30 metre setback from the high water mark. The deck would be located on an exposed bedrock outcrop and in an actively used portion of the property.

- Increasing the height of the detached garage from 6 metres to 7 metres would allow a building design that could include a second storey or loft for additional indoor storage.

Is the variance minor?

- The variances are minor as there will be no negative impact on surrounding properties and Bobs Lake as a result of constructing the proposed attached deck and garage at the proposed locations. Implementation of a site plan agreement on the property will ensure that the development is undertaken in accordance with the Township Official Plan, Zoning By-law, and standards, and ensure that certain features of the development will be maintained into the future (e.g. roof runoff being directed away from the lake, maintaining vegetation).

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** amended minor variance application MV-07-20-B, subject to conditions.

Recommended Conditions

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

1. The minor variance is for an attached deck and a garage. The 53.3 square metre (574 square foot) deck to be attached to the existing dwelling would be set back a minimum of 26.2 metres (85.9 feet) from the high water mark of Bobs Lake. The 72 square metre (775 square foot), two-storey garage would be 7 metres (23 feet) in height. All as per the revised drawings submitted with MV-07-20-B, attached to the Decision as Schedule “A”.

2. The applicant is required to enter into a Site Plan Agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters and environmental standards of the Township prior to the issuance of a building permit:

    a. Preparation of an existing vegetation plan. The land between the dwelling and accessory buildings and the lake will be maintained as a natural vegetated buffer.

    b. The use of appropriate erosion control measures (e.g. silt fence, straw bales) during construction and until the site is stable and revegetated.

    c. The removal of any excavated materials from the site so that it is not used as fill within 30 metres of the lake.

    d. Roof runoff will be directed away from the shoreline of Bobs Lake and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads.

e. Notification that a permit is required for any work to be undertaken along the shoreline of Bobs Lake from Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses”). Also, future construction shall have regard for the identified 1:100 year flood elevation of 163.07 metres above sea level (geodetic).

2. A building permit is required for any demolition and for all 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.

3. Minor variance MV-07-20-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: July 23, 2020

Attachment: Map of the Boville property

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

Date Received: June 24, 2020 File No: MV-22-20-B

1. Name of Owner(s): IAN JAMES SEMPLE & DAVID WILLIAM MESSENGER

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: MICHAEL PRESTON

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

Agent as named above is hereby authorized to act on behalf of the owners for purposes of [redacted]

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TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 11 Lot Number: PART OF LOT 4

Street Number: 243 Name of Road/Street: CLEAR LAKE RD.

Reference Plan Number: 13R4213 Part Number(s): PART 3

Roll Number: 010-030-09300-0000

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

Frontage (on water): +/- 470' Frontage (on road/lane): 756.94'

Depth: 377' Area: 3.43 ACRE

5. The current zoning of the subject land:

RLS 2

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

SEE ATTACHED

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

SEE ATTACHED

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

Name of Road/Lane:

CLEAR LAKE 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.

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

SEASONAL DWELLING

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) COTTAGE (TO BE DEMOLISHED)	(2) SHED (TO BE DEMOLISHED)	(3) BOAT SHED	(4) DOCK
Setback from Front Lot Line (WATER)	83'	101'	N/A	N/A
Setback from Rear Lot Line (ROAD)	96'	91'		
Setback from Side Lot Line	211' (SOUTH) 274' (NORTH)	273' (SOUTH) 253' (NORTH)	3'-10" (NORTH)	16'-4" (NORTH)
Height of Building (Also indicate if it is one story or two story)	16' (ONE STOREY)	10'	10'	
Dimensions of Floor Area	22' x 46'	12' x 8'	24' x 12'-3"	16' x 25'
Setback from High Water Mark (If applicable)	83'	101'	N/A	N/A

13. The proposed uses of the subject land:

SEASONAL _ DWELLING

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

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)	COTTAGE	DECK		
Setback from Front Lot Line (WATER)	86'-1"	74'-10½"		
Setback from Rear Lot Line (ROAD)	82'-8½"	117'		
Setback from Side Lot Line	203'-7" (SOUTH) 243' (NORTH)	208' (SOUTH) 247' (NORTH)		
Height of Building (Also indicate if it is one story or two story)	18'-9" (ONE STOREY)	±3'		
Outside Dimensions of Building/Structure	89' x 30'	60' x 10'		
Setback from High Water Mark (If applicable)	86'-1"	74'-10½"		

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:

EXISTING COTTAGE & EXISTING SHED TO BE DEMOLISHED.

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

JUNE 27, 2012

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

1960s?

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

MANY YEARS.

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

PRIVATE WELL

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

PRIVATE SEPTIC - UPGRADED IN THE PAST FEW YEARS.

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

NATURAL RUN OFF.

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

☐ Yes ☑ No

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

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

☐ Yes ☑ No

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

---

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:



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SOUTH FRONTENAC
PLANNING DEPARTMENT

July 17th, 2020

Re; 243 Clear Lake Rd – Minor Variance Application

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

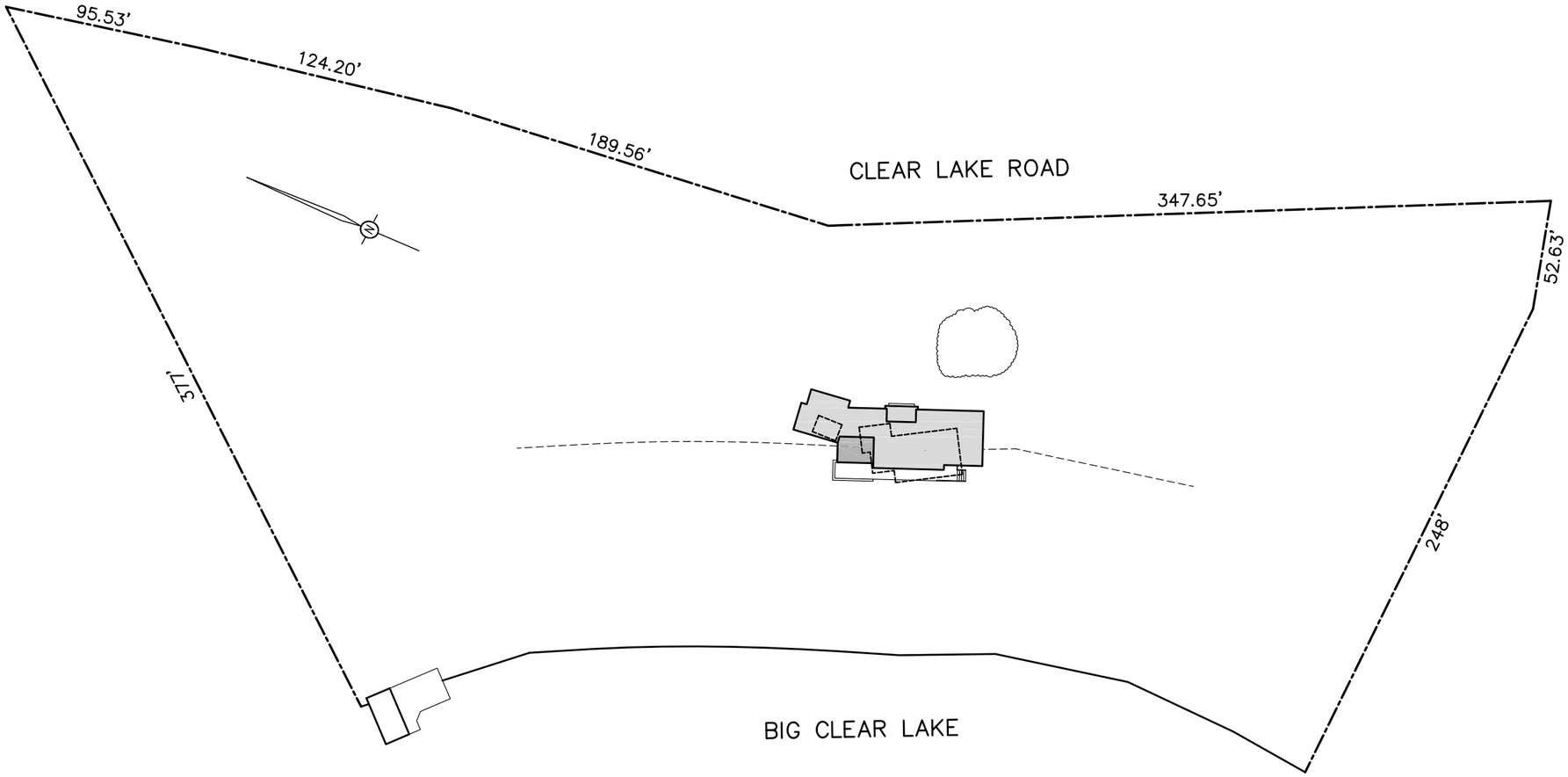
The first variance we are requesting is relief from the 30m water setback. The proposed new seasonal dwelling will be 26.23m from the water. The proposed deck will be 22.82m from the water.

The second variance we are requesting is relief from the 15m setback from the top of bank. The proposed seasonal dwelling will be approximately 11.7m from the top of bank. The proposed deck will be approximately 8.8m from the top of bank.

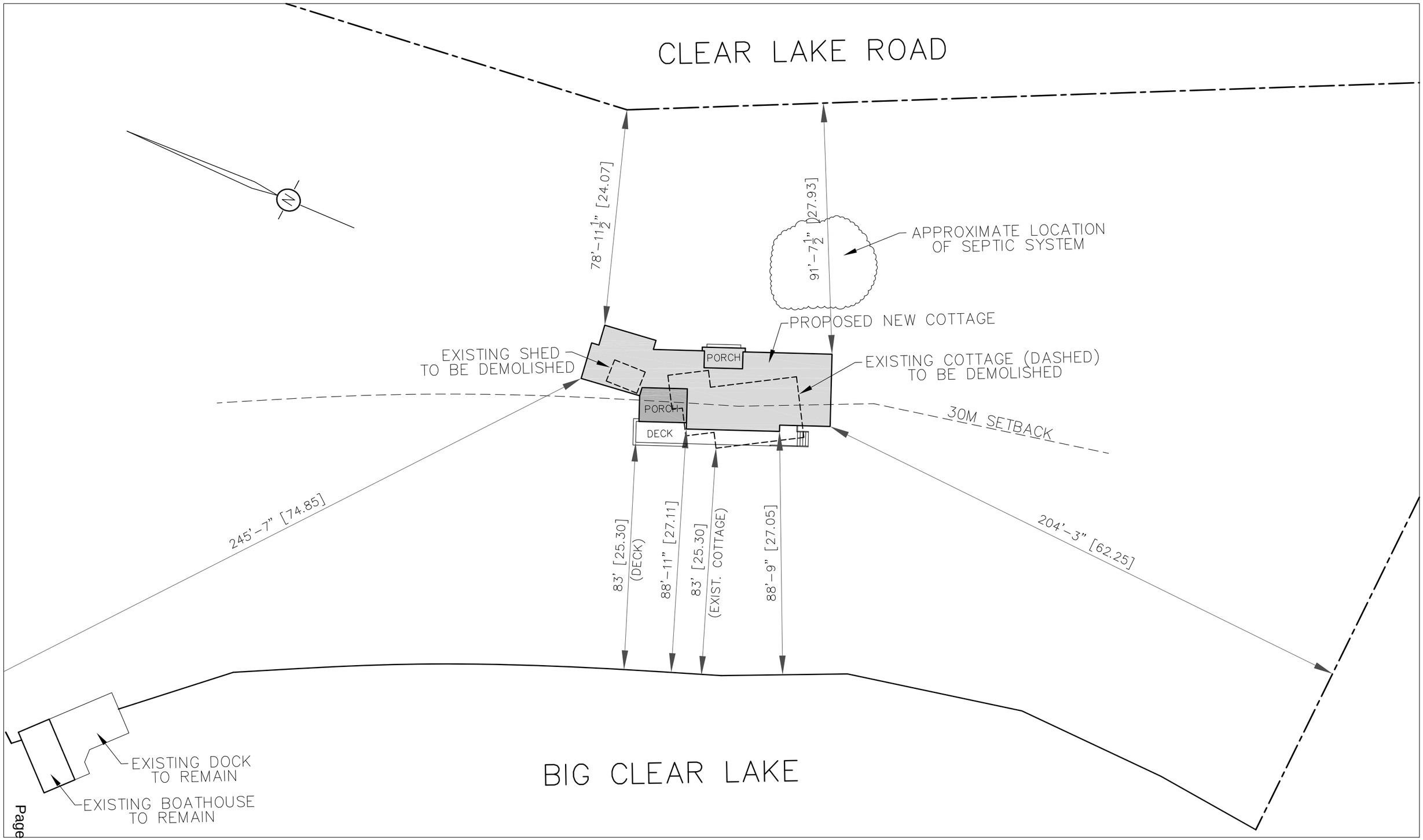
7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

The seasonal dwelling can not comply with the zoning by-law due to several factors. One factor is the rugged topography of the site. There is a ridge that runs behind the proposed building location that drops off towards the road. We have moved the building as far back towards this ridge as we can. Also, there is an existing upgraded septic system (which will be re-used), that lies right behind the proposed building location. Moving the building any further back would encroach on this system. The existing cottage was likely built in it's location due to the topography as well. This is an established building site which we are improving on (in terms of setbacks) with the new building. The new building will be approximately 1.25m further back from the water than the existing building. Our proposed deck however will be 22.82m from the water. We were originally going to propose an 'at grade' terrace (which would not require planning approval), but to make that work would require greater disturbance to the property than a deck. A terrace would have required a retaining wall at one end (due to slope). A deck will have minimal impact on the property and will be as low to grade as we can make it.

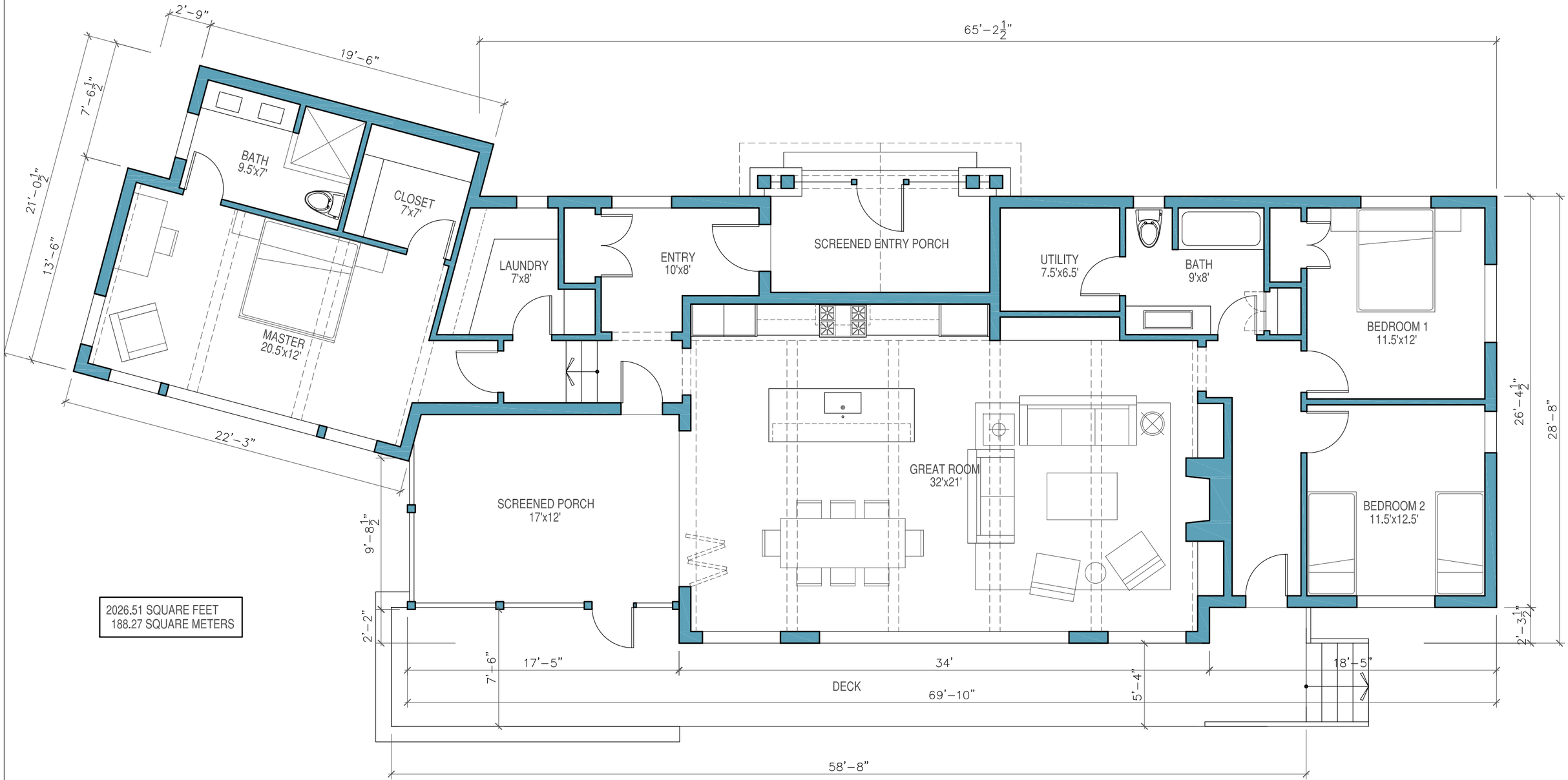
The reasons we are not able to comply with the top of bank setback are essentially the same as above. While the property is large, there are multiple topographical elements that restrict the amount of buildable area on the property.



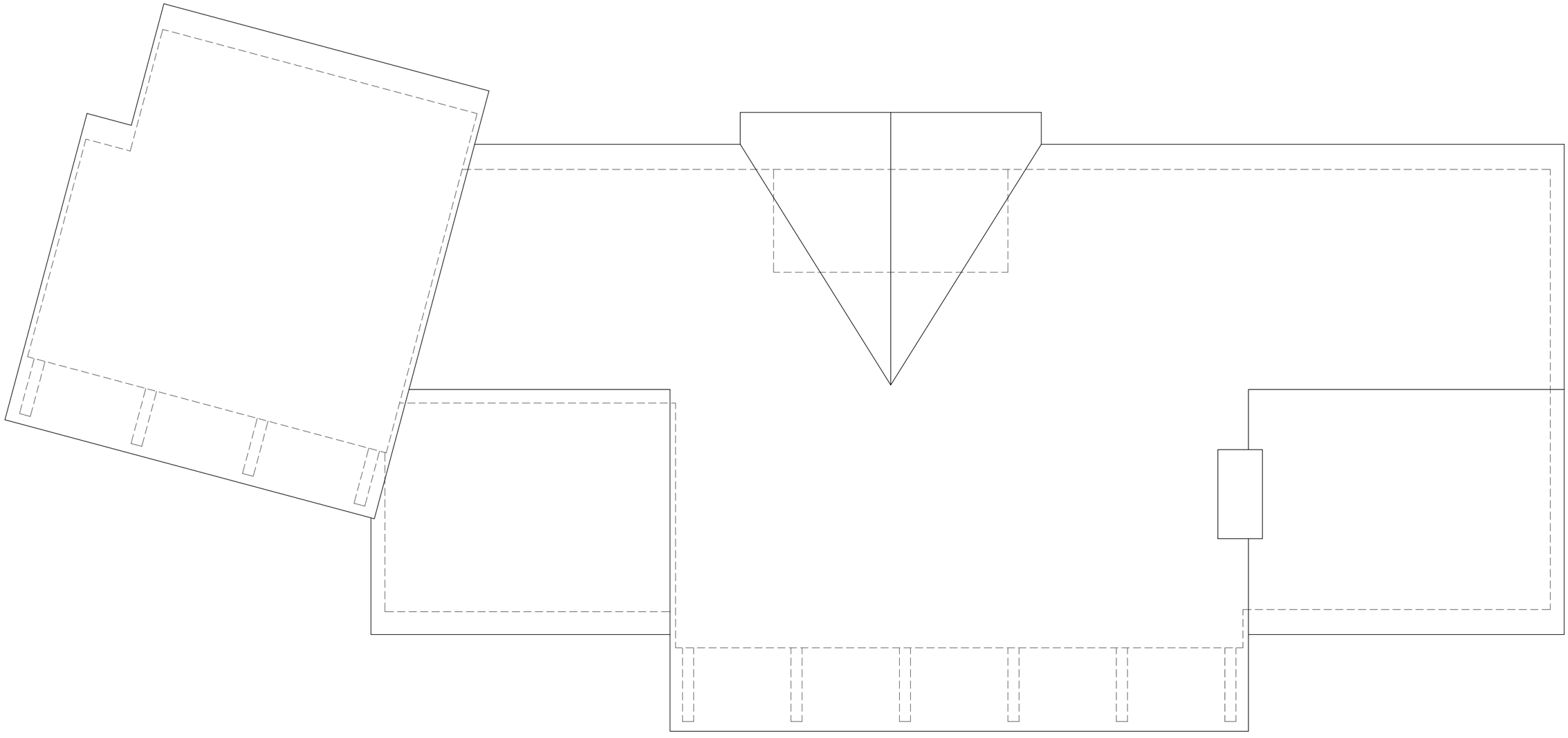
A-1 | 28 / 09 / 20 | SITE PLAN OVERVIEW - 1/64" = 1' | MESSENGER / SEMPLE - 243 CLEAR LAKE ROAD | MPD



A-1b | 28 / 09 / 20 | ENLARGED SITE PLAN - 1/32" = 1' | MESSENGER / SEMPLE - 243 CLEAR LAKE ROAD | MPD



A-2 | 28 / 09 / 20 | GROUND FLOOR PLAN | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD

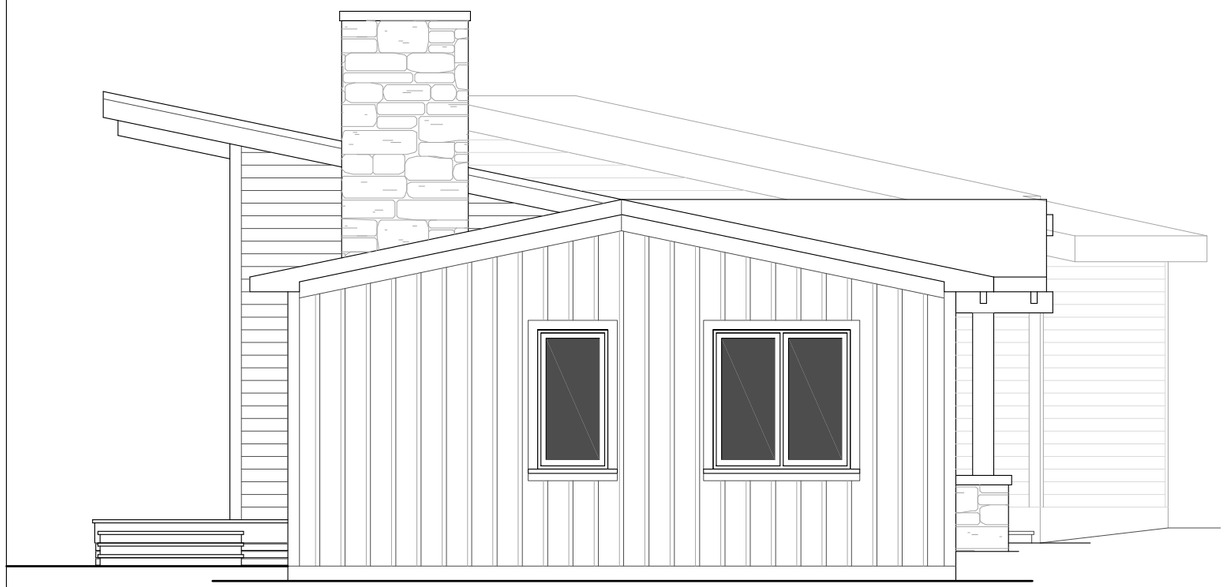


A-3 | 28 / 09 / 20 | ROOF PLAN | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD

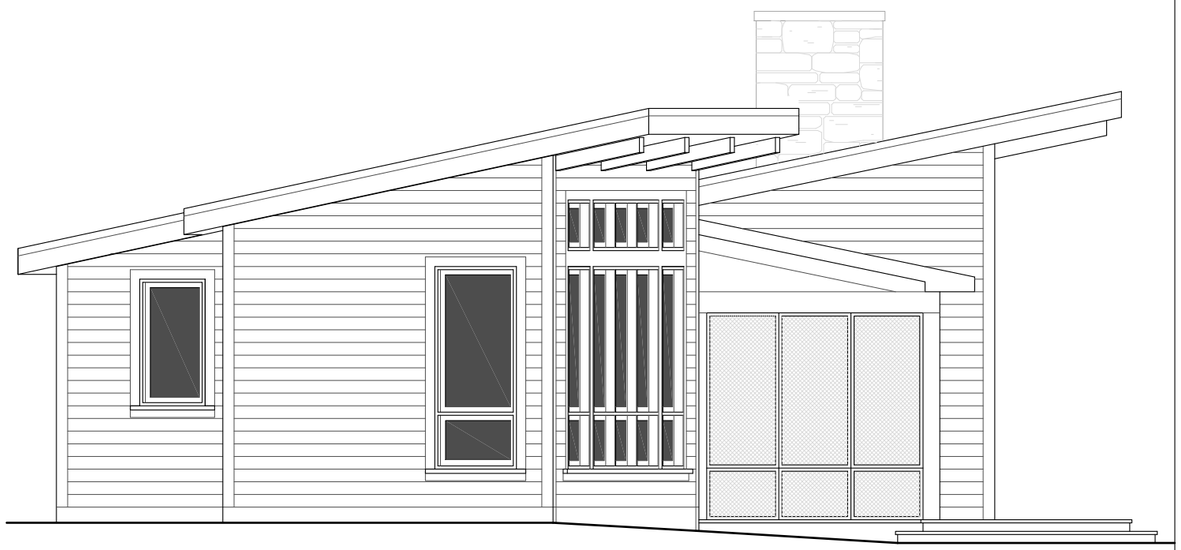




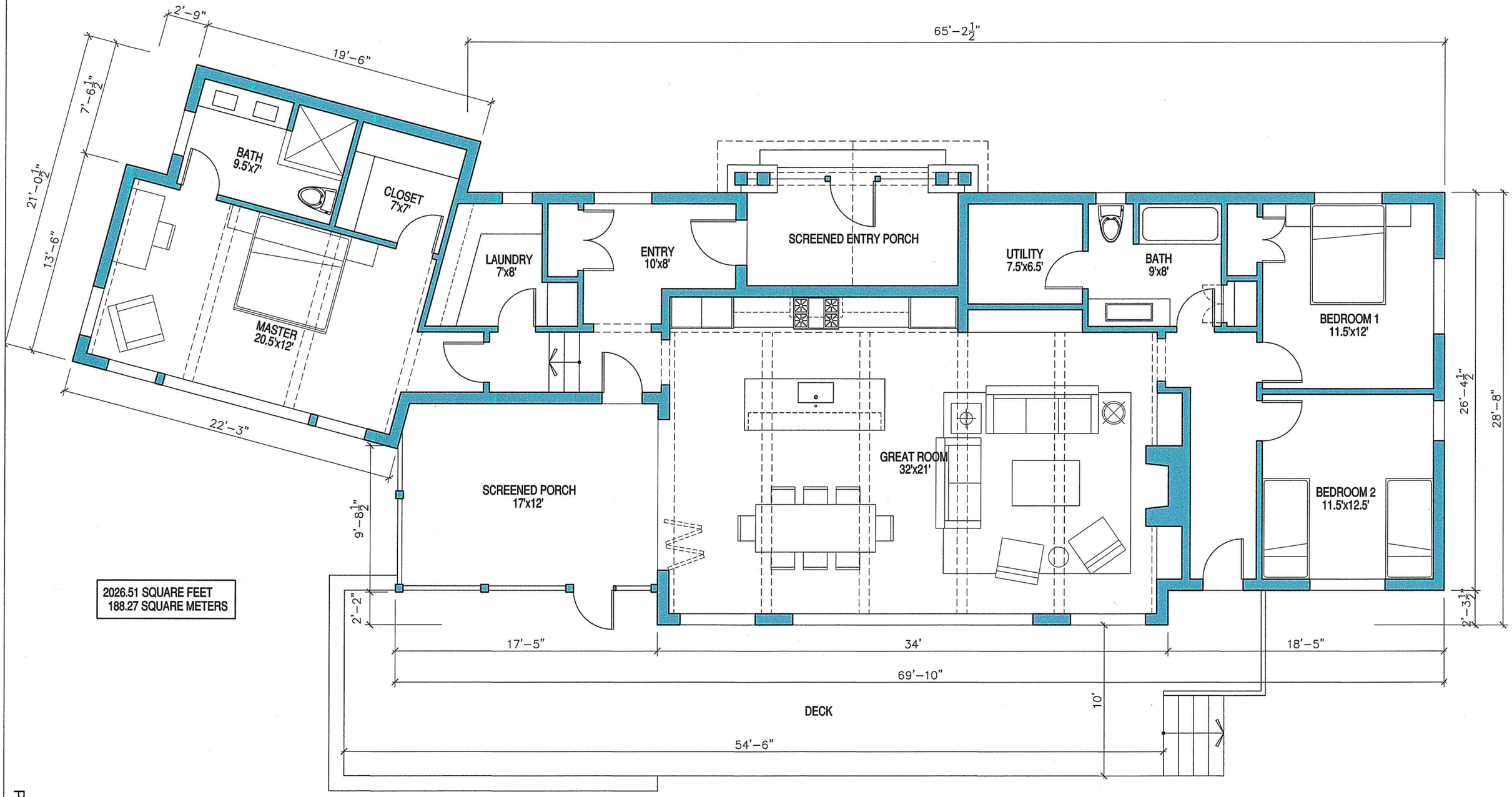
A-5 | 28 / 09 / 20 | WEST ELEVATION | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD



SOUTH ELEVATION



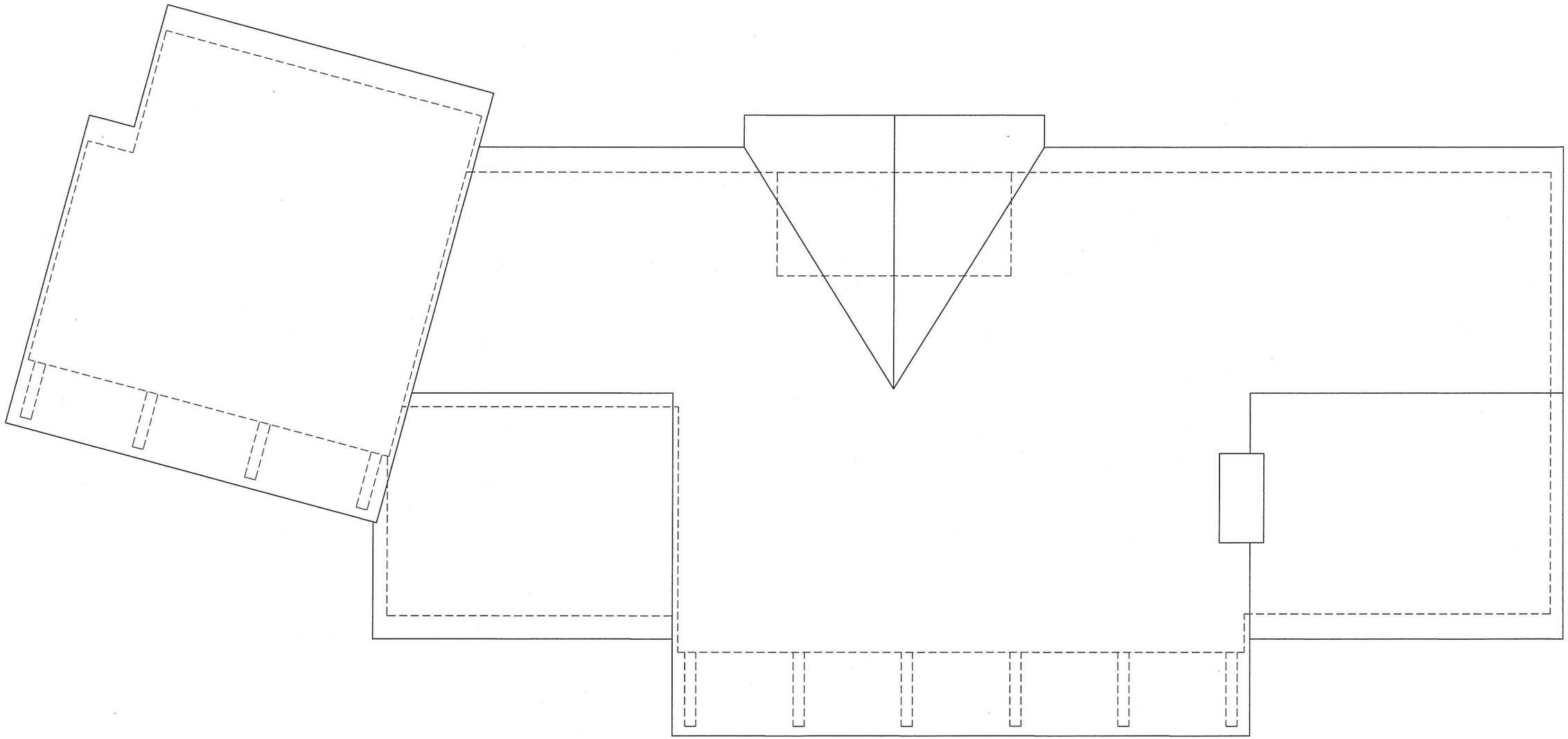
NORTH ELEVATION



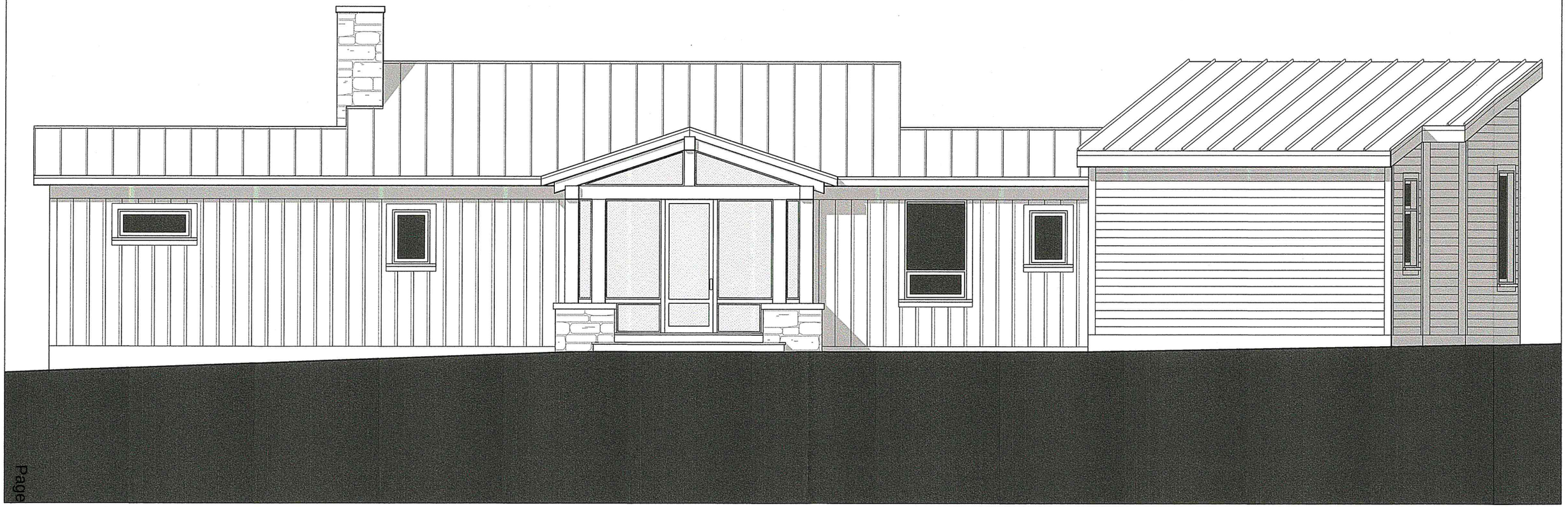
2026.51 SQUARE FEET
188.27 SQUARE METERS

A-2 | 23 / 06 / 20 | GROUND FLOOR PLAN | MESSENGER / SEMPLE - BIG CLEAR LAKE

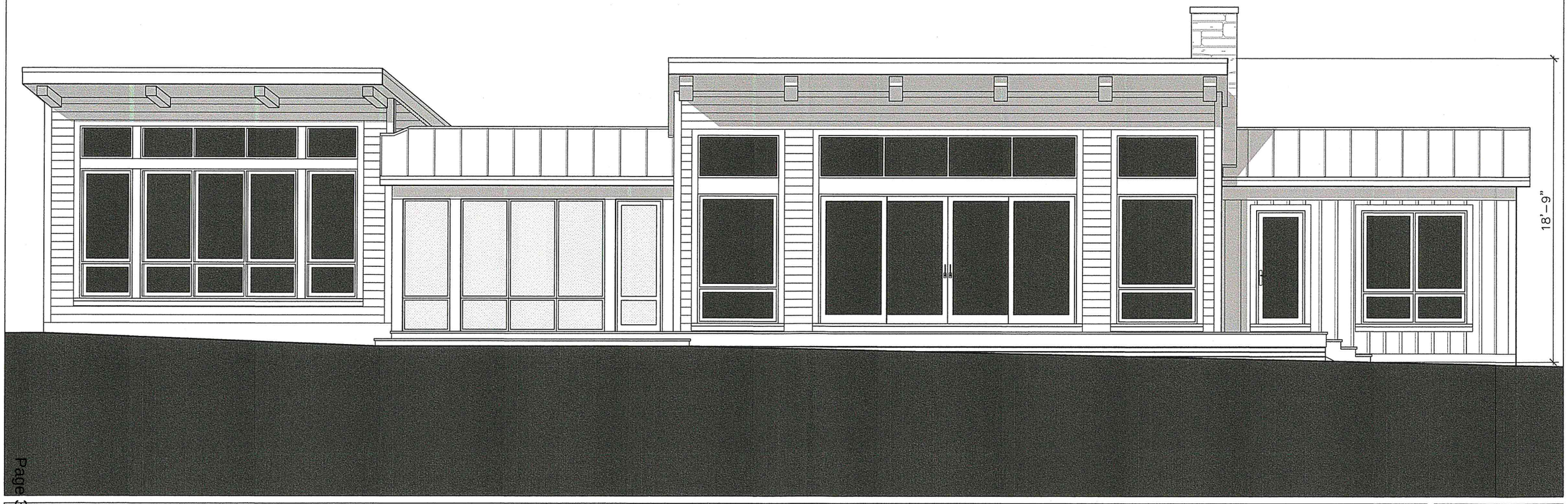
MPD



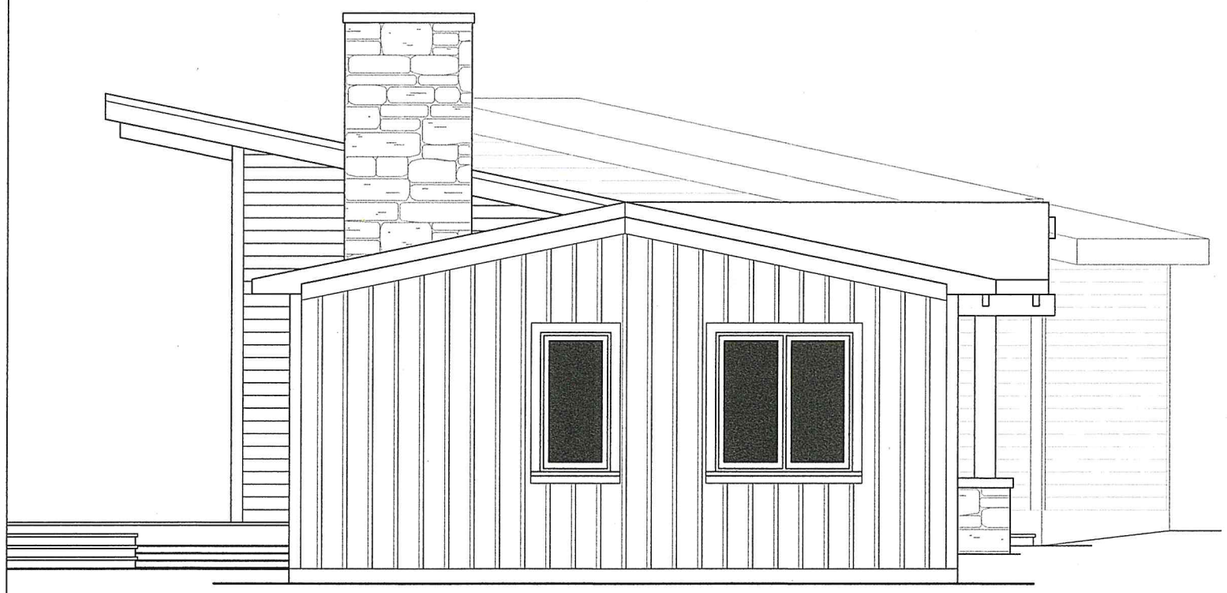
A-3 | 23 / 06 / 20 | ROOF PLAN | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD



A-4 | 23 / 06 / 20 | EAST ELEVATION | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD



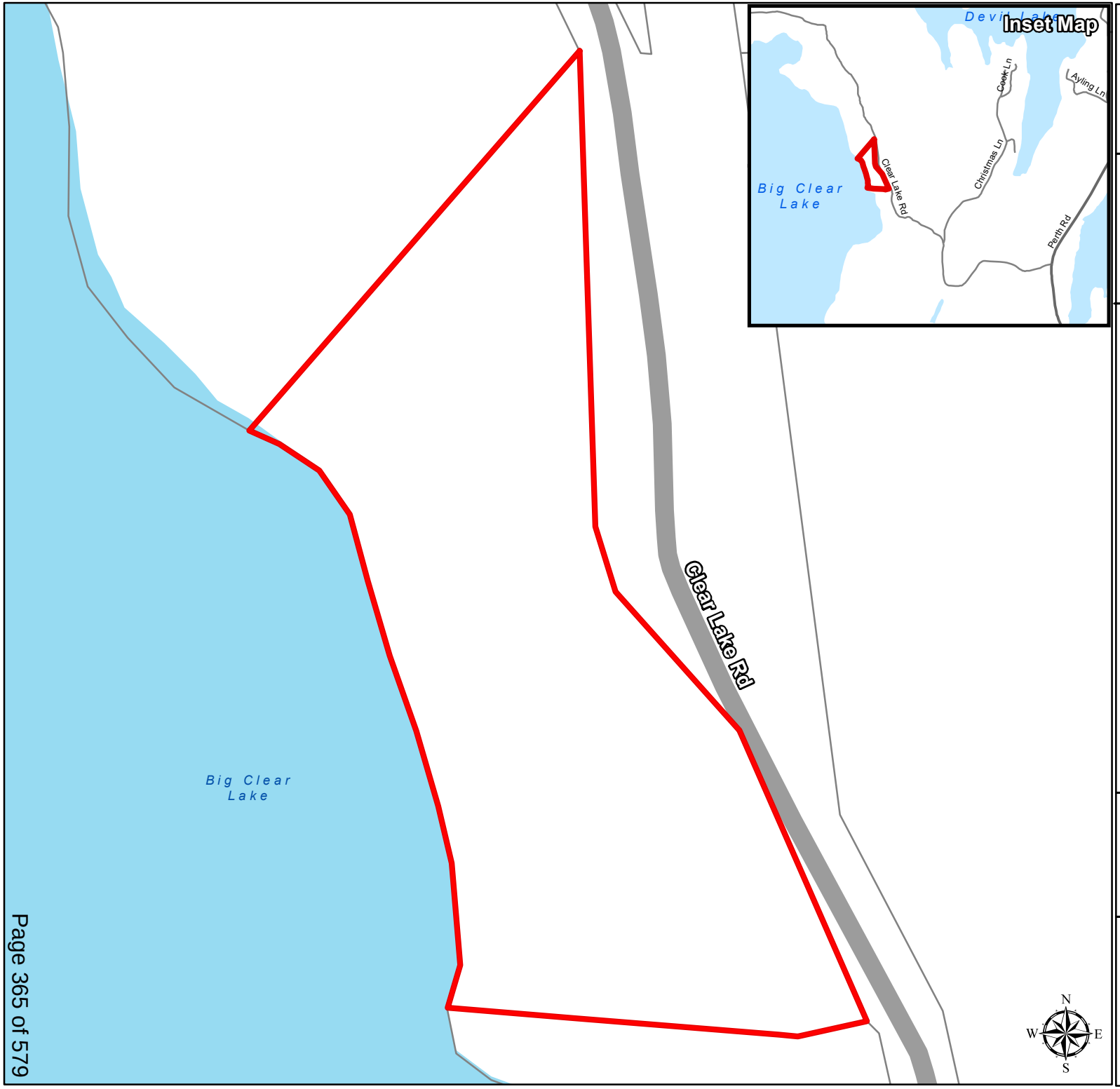
A-5 | 23 / 06 / 20 | WEST ELEVATION | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD



SOUTH ELEVATION



NORTH ELEVATION



TOWNSHIP OF SOUTH FRONTENAC

MV-22-20-B
(Semple & Messenger)

243 CLEAR LAKE RD

Legend

- Subject Parcel
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

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

Scale 1:1,200

0 5 10 20 30 40

Meters

UTM Projection NAD 83

October 1, 2020 File: MV/FRS/172/2020

Sent by E-mail

Christine Woods, Senior Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Christine:

Re: Application for Minor Variance MV-22-20-B (Semple / Messenger)
Part Lot 4, Concession 11; 243 Clear Lake Road
Township of South Frontenac (Bedford District)
Waterbody: Big Clear Lake

Cataraqui Conservation staff 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 24, 2020.

Summary of the Proposal

The proposal involves the re-construction of a seasonal dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 25.3 metres in order to permit the construction of a new seasonal dwelling and deck.

Site Description

The property is located on eastern shore of Big Clear Lake on the west side of Clear Lake Road in Bedford District. The topography of the property can be described as rising very quickly from the shoreline to a high plateau table land where an existing dwelling is located. Currently, the property contains the dwelling, a shed structure and associated development.

The property is designated 'Rural' and in the Official Plan for South Frontenac Township and zoned 'Limited Service Residential' (RLS 2) in the implementing Zoning By-law. Big Clear Lake itself is designated as a moderately sensitive Lake Trout lake in the Official Plan.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Big Clear Lake, and the protection of the water quality of the lake.

Natural Hazards

Flooding: The maximum recorded water level for Big Clear Lake is 122.39 metres geodetic. For Big Clear Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of the setback from the regulatory flood plain.

Erosion: Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for bedrock shorelines of 1(h):1(v), plus an erosion access allowance of 6 metres. Based on an estimated 12 metre high slope, the total erosion hazard allowance is anticipated to be approximately 18 metres measured horizontally inland from the stable toe of slope at the shoreline. However, staff observed that the bank slope consists primarily of loose boulders and are recommending a minimum 10 metre setback from the top of slope as a precautionary measure. Staff note that the revised proposal suggests that the development will be 10 metres from the top of slope.

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, Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. In addition, Section 5.2.7. b)(ii)(3) of the Official Plan states that "in no case, shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark." Staff note that the proposed development will not encroach further into the water setback than existing development.

Similarly, Cataraqui Conservation's Environmental Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody. However, new development within the water setback may be considered when there are no reasonable alternatives

for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

The development proposal is located in a reasonable location since the lot is constrained by the location of the septic system, the proposed development will not be closer than existing development, and the development complies with the maximum lot coverage provisions. *Staff recommend that roof runoff be directed away from the slope to prevent erosion and to protect water quality.*

Recommendation

Staff have no objection to the approval of application MV-22-20-B based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06
Please note that a portion of the property is subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by Cataraqui Conservation. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. Within a regulated area, written permission must be obtained from Cataraqui Conservation prior to development taking place. Since the development is within 15 metres of the top of valley, a Cataraqui Conservation permit is required for the proposed development.

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Mr. Ian Semple, co-applicant (via e-mail)
Mr. David Messenger, co-applicant (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

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-22-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Messenger, D. and Semple, I.
Location:	Part Lot 4, Concession 11, Bedford 243 Clear Lake Road
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the proposed minor variance as the owners have submitted an application under permit number BE-23-20.
Inspector:	Joanne McGun, CPHI(C), Public Health Inspector
Date:	September 08, 2020

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.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 1, 2020

Application No: MV-22-20-B
Owners: Ian Semple and David Messenger
Location of Property: 243 Clear Lake Road
Purpose of Application: To vary Sections 5.8.2(a) and 5.8.2(b) of Zoning By-law 2003-75
Date of Hearing: September 10, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose:

__ zoning relief for construction of a new building

✓ zoning relief for replacement of an existing building

___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	Limited Service Residential – Special Provision (RLS-2)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with an attached deck with a minimum setback of 27.1 metres (89 feet) and 25.3 metres (83 feet), respectively, from the high water mark of Big Clear Lake, whereas the Zoning By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 5.8.2 b): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with an attached deck with a minimum setback of 12.1 metres (39.7 feet) and 10.5 metres (34.4 feet), respectively, from the defined top of bank, whereas the Zoning By-law requires a minimum 15 metre (49.2 feet) setback from the top of bank for all buildings and structures.

Review:

This application for a variance:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains with the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the land, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance was received to permit a seasonal dwelling with an attached deck within the required 30 metre setback from the high water mark and the required 15 metre setback from the top of bank.

The subject property is approximately 1.4 hectares (3.43 acres) in area. It has road frontage on Clear Lake Road and water frontage on Big Clear Lake. The subject property is zoned RLS-2. The RLS-2 zone permits a seasonal dwelling and accessory buildings or structures on lands with frontage on a seasonally maintained public road, and including lands with additional frontage on water.

The property contains an existing 94 square metre (1012 square foot) seasonal dwelling, 8.9 square metre (96 square foot) shed, 27.3 square metre (294 square foot) boathouse and 37 square metre (400 square foot) dock. There is also a small garden shed and an outhouse. The septic system was recently replaced. It is located between the dwelling and the road.

The existing seasonal dwelling sits on a plateau that is approximately 15 metres above Big Clear Lake. This plateau is on a ridge that also slopes toward the road.

The owners propose to demolish the existing one-storey seasonal dwelling and shed, and remove the garden shed and outhouse, and to construct a new one-storey seasonal dwelling with an attached deck in the same general location as the existing seasonal dwelling.

Following discussions between the owners and Cataraqui Conservation staff, the owners have revised the proposed location of the dwelling and deck, and reduced the depth of the deck, so that it will be no closer to the high water mark and no closer to the top of bank than the existing cottage.

The dwelling will be 188.3 square metres (2026.5 square feet) in area and the deck will be 34.4 square metres (370 square feet) in area. The proposed dwelling would be set back a minimum of 27.1 metres (89 feet) from the high water mark and 12.1 metres (39.7 feet) from the top of bank. The proposed attached deck would be set back 25.3 metres (83 feet) from the high water mark and 10.5 metres (34.4 feet) from the top of bank.

The total lot coverage for all buildings on this property will be approximately 2%.

Agency and Public Comments

Public Services Department – The Direct of Public Services indicated on September 4, 2020, that he has no concerns with the proposal for a seasonal dwelling.

Building Department – The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

KFL&A Public Health – KFL&A Public Health has no objections to the proposed minor variance as the owners submitted an application for review of performance level of the existing on-site sewage system. The performance review found the existing system to be satisfactory for the proposed use.

Cataraqui Conservation – In correspondence dated September 4, 2020, Cataraqui Conservation staff noted that the proposal would allow for a deck to be placed closer to Big Clear Lake than the original footprint of the cottage. Cataraqui Conservation does not typically support applications where development is being proposed within the 30 metre water setback that is closer to the water than

existing development primarily in support of the water quality objectives of the PPS and the Township's Official Plan. They had recommended deferral to allow the applicant to consider an alternative design / location that would address this issue. In correspondence dated October 1, 2020, they indicated that they have no objection to the revised proposal and variances. It was confirmed that the proposed development would be located outside the erosion hazard limit, and recommended that it be set back at least 10 metres from the top of bank.

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

Planning Analysis Summary

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 variance maintain the general intent and purpose of the Official Plan?

- The subject lands are designated 'Rural' in the Official Plan on Schedule A. The type and amount of development on 'Rural' lands must maintain the rural character, natural heritage, and cultural landscape in the Township.

- It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, and development within environmentally sensitive areas.

Does the variance maintain the general intent and purpose of the Zoning By-law?

- The proposed variances maintain the general intent and purpose of the Zoning By-law as the proposed seasonal dwelling and attached deck is a permitted use on the subject property, is within the maximum lot coverage permitted, and the proposed location complies with the setback requirements of the RLS-2 zone. The proposed dwelling and attached deck would be no closer to the high water mark and top of bank than the existing dwelling. The dwelling and deck would be located outside the erosion hazard limit.

Is the requested variance desirable for the appropriate development of the land, building or structure in question?

- The variances are desirable for the appropriate development of the subject property, as the proposed dwelling and attached deck is consistent with the residential use of the property and the proposed dwelling is located in the same general area as the existing cottage.

Is the variance minor?

- The variances are minor as there will be no negative impact on the lake and on surrounding properties as a result of constructing the dwelling and attached deck at the proposed location on the property. The proposed building is in a reasonable location for its purpose.

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** amended minor variance application MV-22-20-B, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a 188.3 square metre (2026.5 square foot) seasonal dwelling and a 34.4 square metres (370 square feet) attached deck. The dwelling will have a minimum of 27.1 metres (89 feet) from the high water mark and 12.1 metres (39.7 feet) from the top of bank. The attached deck will have a minimum setback of 25.3 metres (83 feet) from the high water mark and 10.5 metres (34.4 feet) from the top of bank. All as per the revised drawings submitted with MV-22-20-B, attached to the Decision as Schedule "A".

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 and environmental standards of the Township prior to the issuance of a building permit:

    a. The use of appropriate erosion control measures (e.g. silt fence, straw bales) during construction and until the site is stable and revegetated.

    b. Maintaining existing trees and vegetation as a natural buffer between the dwelling and the lake.

    c. The removal of any excavated materials from the site so that it is not used as fill within 30 metres of the lake.

    d. Roof runoff will be directed away from the slope between the dwelling and the shoreline of Big Clear Lake and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads.

3. A building permit is required for demolition of the existing cottage and sheds, and for all 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.

4. Minor variance MV-22-20-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: July 15, 2020

Attachment: Map of the Semple and Messenger property

September 7/20

Anna Geladi
Planning Department
Twsp of South Frontenac
Sydenham, Ontario

RE 331 A Swain Lane

Dear Anna

Some supplementary notes to accompany this application.

The neighbours septic systems are holding tanks and they draw their water from the lake.

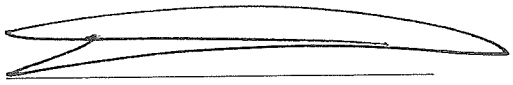
We have made the footprint smaller so the main residence is now 7% of the coverage.

We are looking for relief for three things:

- set back from the water to be 30m...we are 27.11 m to waters edge
- set back for rear yard to be 10m...we are 4.67m to the porch and 5.22m to house
- total lot coverage allowed is 5%...our total lot coverage is 8.53% with the main residence now 7%

Please let me know if you need anything else

Sincerely



Mac Gervan

Mac GERVAN
& Associates Ltd.

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

Date Received: _____ File No: _____

1. Name of Owner(s): Daniel & Debra McSweeney.

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: Mac Gervais

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 3 Lot Number: Part Lot 4

Street Number: 33A Name of Road/Street: Swain Lane

Reference Plan Number: 13R14863 Part Number(s): 1, 2 & 3

Roll Number: 020-040-04800-0000

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

Frontage (on water): 85m Frontage (on road/lane): 45.72m

Depth: 44.89m Area: 2739 m²

5. The current zoning of the subject land:

RLSW - Limited Service Residential - Waterfront zone

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

- demolition of existing cottage close to water.
- build new cottage as far back from water as possible
- percentage lot coverage

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

Depth of lot not deep enough to have rear depth & front depth both work.

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

Name of Road/Lane:

Swain 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?

cottage - ~~vacant~~ residential

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) existing cottage (excluding d/deck)	(2) garage	(3) bunky	(4) Covered Deck
Setback from Front Lot Line (WATER)	11.64 ~~21.92~~	31.75	30.61	
Setback from Rear Lot Line	21.94	6.45	5.24	
Setback from Side Lot Line	19.34	13.47	31.83	
Height of Building (Also indicate if it is one story or two story)	4.26	3.20	3.00	3.00
Dimensions of Floor Area	8.59 x 9.45	6.19 x 3.75	4.36 x 3.78	2.10 x 3.4
Setback from High Water Mark (If applicable)	11.64	31.75	30.61	

13. The proposed uses of the subject land:

residential - 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

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)	new cottage			
Setback from Front Lot Line (Water)	27.11			
Setback from Rear Lot Line	4.57			
Setback from Side Lot Line	22.95			
Height of Building (Also indicate if it is one story or two story)	1 storey 6.32			
Outside Dimensions of Building/Structure	11.89 x 23.93			
Setback from High Water Mark (If applicable)	24.96			

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:

cottage + bunky to be removed

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

If yes, please provide details:

Remove Bunkie for new cottage
Remove Existing cottage & decks

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:

March 2000

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

50's ?

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

since 50's

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

Lake

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

There will be a new septic system

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

natural terrain

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

☐ Yes ☑ No

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

---

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

☐ Yes ☑ No

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

---

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

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

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

AGREEMENT TO INDEMNIFY

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

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

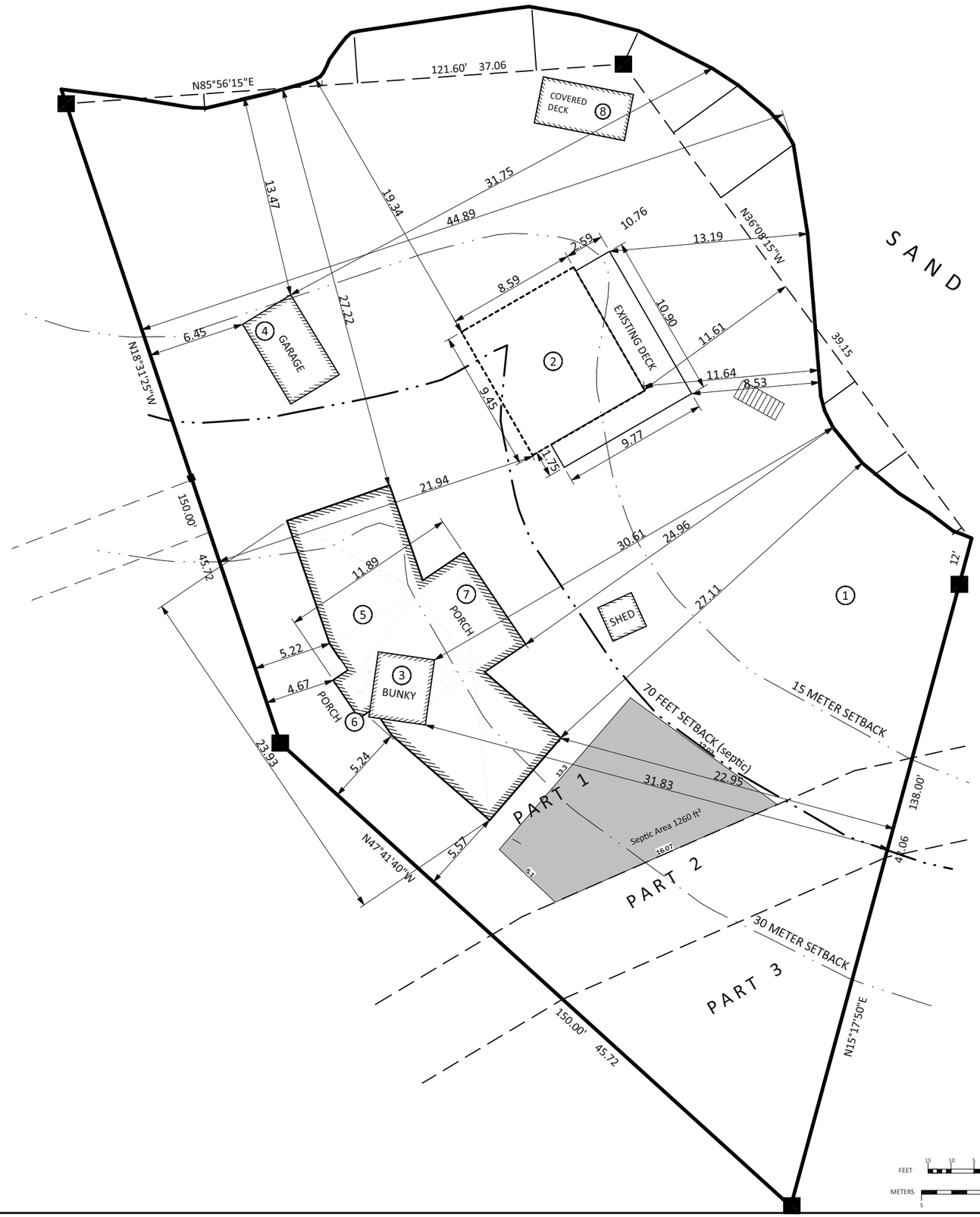
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal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

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

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

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

[redacted]



PART 1,
PLAN of PART of LOT 4
CONCESSION 3
(BEDFORD DISTRICT)
TOWNSHIP OF SOUTH FRONTENAC

This Site Plan is based on a Survey by
Leslie M Higginson Ltd. dated August 6, 2020.

1	LOT AREA: 2739 m²
2	REMOVE EXISTING COTTAGE AND DECK. LANDSCAPE TO MATCH TERRAIN. AREA: 121 m² HEIGHT: 4.26m
3	REMOVE EXISTING BUNK CABIN 16.4 m²
4	GARAGE AREA 23.1 m² HEIGHT 3.20 m
5	PROPOSED NEW COTTAGE. AREA: 191.5 m² (Includes Porches) HEIGHT: 6.32 m
6	PROPOSED ENTRY PORCH 3.71 m²
7	PROPOSED LAKESIDE COVERED PORCH 24.52m²
8	EXISTING COVERED DECK 18.9 m²

LOT AREA	2739 m²	PROPOSED TOTAL COVERAGE	
		NEW COTTAGE	191.5 m²
EXISTING COVEREAGE:		COVERED DECK	18.9 m²
COTTAGE	80 m²	GARAGE	23.1 m²
COTTAGE DECK	41 m²	TOTAL	233.5 m² 8.53%
COVERED DECK	18.9 m²		
GARAGE	23.1 m²		
BUNKY	16.4 m²		
TOTAL	179.4 m² 6.55%		

PROPOSED COTTAGE	191.5 m² (Includes porches)
COVERAGE	7%

FEET 15 10 5 0 10 20 30 40 50 100
METERS 5 0 5 10 15 30

Contents:

A-1	Site Plan	
A-2	Plan Floor 1	
A-3	Elevations	
A-4	Elevations	
R1	SURVEY	(PARTIAL)

Revisions:

Oct 1, 2020	Dwg. A1. Site Plan: Deck Dimensions Added. 70' Setback Added.
Sept 8, 2020	Cottage Porches Reduced

Mac GERVAN & ASSOCIATES Ltd.

Residential and Commercial Design Services

Consulting and Project Management

phone 546-5097
fax 546-6249
e-mail mac@gervan.ca
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:
MULROONEY COTTAGE
23A SWAIN LANE,
SAND LAKE,
SOUTH FRONTENAC.

Drawing:
Site Plan

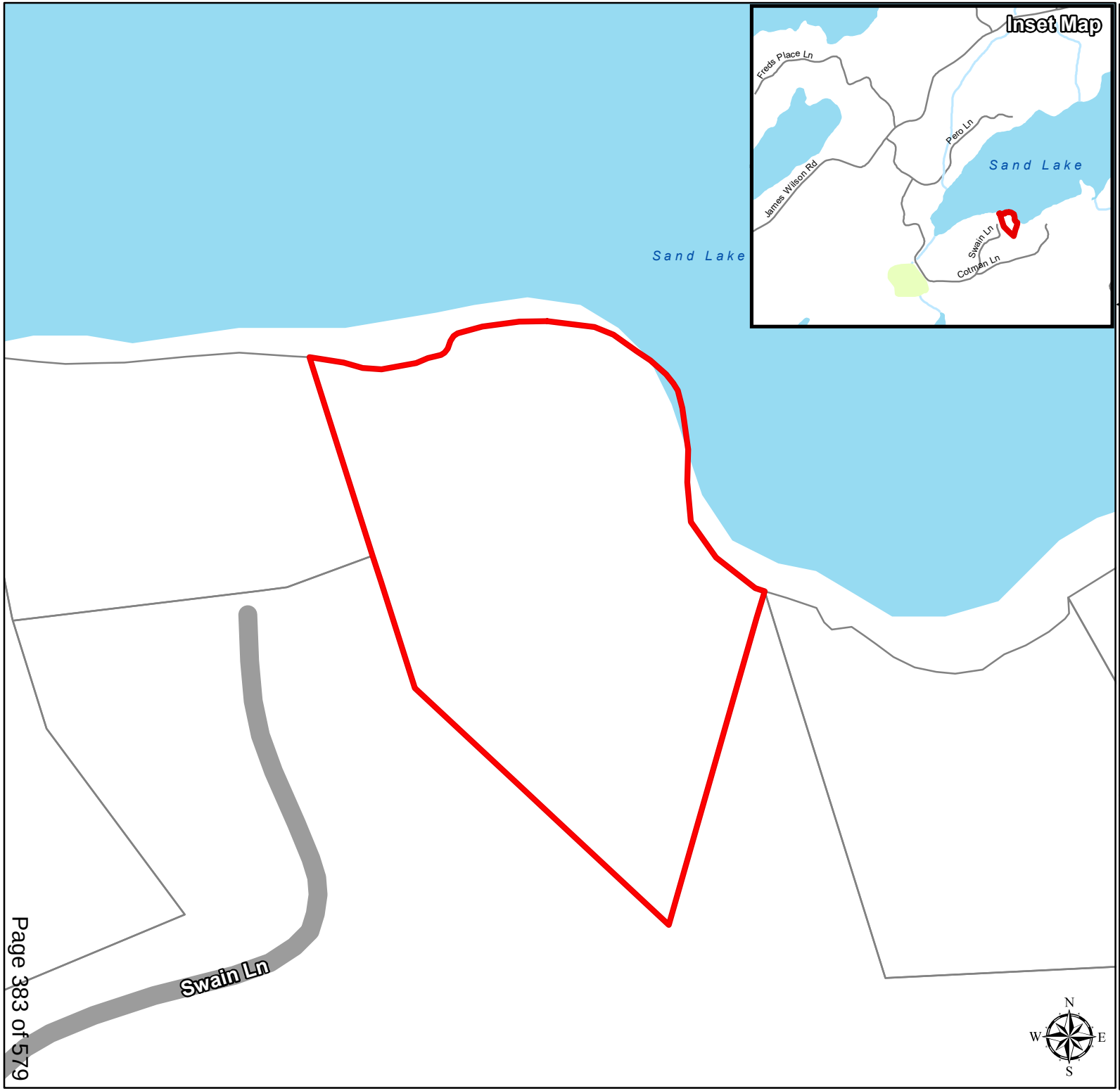
Date:
AUGUST 18, 2020

Scale:
1 : 300

Drawn By:
MG/GF

File:
MULRONEY COTTAGE RELOCATE AUG 18 2020 printed 01/10/2020

Drawing #:
A-1



MV-28-20-B
(Mulrooney) (Gervan)

33A SWAIN LANE

Legend

- Subject Parcel
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

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

Scale 1:700

0 3.25 6.5 13 19.5 26

Meters

UTM Projection NAD 83

September 1, 2020 File: MV/FRS/171/2020

Sent by E-mail

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

Dear Ms. Geladi:

Re: Application for Minor Variance MV-28-20-B (Gervan / Mulrooney)
Part Lot 4, Concession 3; 33A Swain Lane
Bedford District, Township of South Frontenac
Waterbody: Sand Lake

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration.

Summary of Proposal

The proposal involves the construction of a new cottage 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 23.43 metres in order to permit the construction of a cottage.

Site Description

The property is located on the south shore of Sand Lake in South Frontenac Township. The topography of the site can be characterized as having a high bank adjacent to the lake with a relatively flat plateau area between the top of bank and Swain Lane. Currently, the property an existing cottage, a garage and a bunkie.

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.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Sand Lake, and the protection of its water quality. There were no natural heritage features identified on the subject property.

Natural Hazards

Flooding: Cataraqui Conservation does not have floodplain information for Sand Lake. However, due to the difference in elevation between the highwater mark of Sand Lake and the top of bank, flooding is not expected to occur inland of the top of bank. Therefore, the proposed location for the dwelling is considered to be outside of any area of potential flood risk. Further, Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 suggests that new development should be set back 6 metres from any area that may be subject to flood risk. Staff are satisfied that the proposed location for the development will meet this requirement.

Erosion: Cataraqui Conservation's Environmental Planning Policy suggests that the erosion hazard limit is defined as being the sum total of an allowance for toe erosion, a stable slope allowance defined as being no steeper than 1(h):1(v) for bedrock shorelines, plus a 6 metre access allowance. The bank is estimated to be approximately 3.5 metres in height which results in a total erosion hazard limit of 9.5 metres measured from the stable toe of slope. Staff are satisfied that the proposed development will be located outside of the erosion hazard limit.

Water Quality

Section 5.8.2 (1.) of the Zoning By-Law for South Frontenac Township suggests that a 30 metre setback from the highwater mark is required to be maintained as a buffer in order to protect water quality. The Official Plan also requires that this buffer area be maintained as a natural vegetative buffer strip adjacent to the water's edge to filter pollutants from runoff. Similarly, Cataraqui Conservation's Environmental Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody. However, new development within the water setback can be considered if the property is an existing lot of record, there are no reasonable alternatives for locating the development outside of the water setback area, development is set back as far as possible from the water in all directions, and lot coverage requirements are met.

Staff note that this is an existing lot of record, there are no other reasonable alternatives for locating the development outside of the 30 metres setback due to the configuration of the lot, and the setback from the highwater mark has been maximized. *However, staff are concerned with the potential increase in lot coverage. Due to the irregular configuration of the proposed building, the actual size of the structure is unclear from the information provided in the application, but it appears the proposed development is well over the allowable maximum lot coverage for an RLSW zone. The maximum lot coverage provisions in the Zoning By-law are intended to limit intensification on a waterfront lot in support of the water quality objectives of the PPS and the Official Plan.*

Recommendation

Staff recommend deferral of application MV-28-20-B to allow the applicant to reconsider the size of the proposed development to reduce lot coverage.

Ontario Regulation 148/06

Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a valley land. The valley of Sand Lake is considered to extend inland to the top of the slope. Therefore, a Cataraqui Conservation 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 e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Mac German, Agent (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

September 8, 2020

Ms. Michelle Hannah
Secretary-Treasurer, Committee of Adjustment
Township of South Frontenac
PO Box 100
4432 George Street
Sydenham, ON K0H 2T0

Dear Ms Hannah:

Re: Daniel and Debra Mulrooney
Minor Variance MV-28-20B
Part Lot 4 Concession 3, Bedford
33A Swain Lane
Township of South Frontenac

KFL&A Public Health will have to defer the above-noted minor variance as we require more information.

Thank you.

Yours truly,



Joanne McGurn, C.P.H.I.(C)
Public Health Inspector

JMcG:ca

cc: Daniel & Debra Mulrooney
Mac Gervan, Agent

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020

Application No: MV-28-20-B
Owners: Daniel & Debra Mulrooney
Location of Property: 33A Swain Lane, Sand Lake.
Purpose of Application: To vary Sections 10.3.1 and 5.8.2 of South Frontenac Zoning By-law 2003-75
Date of Hearing: October 8, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose: ✓ zoning relief for construction of a new structure

___ zoning relief for replacement of an existing structure

___ zoning relief for other

Official Plan Designation: Rural	**Zoning:** RLSW – Limited Service Residential – Waterfront
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with covered porches with a highwater mark setback of 24.96 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback : Highwater Mark and Front yard	**Relief:** To permit a seasonal dwelling with covered porches with a front yard and a highwater mark setback of 24.96 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from front yard and the highwater mark for the principal building. **Relief:** To permit the construction of a new seasonal dwelling with covered porches with a rear yard of 4.67 metres (15 feet) whereas the By-law requires a 10 metres (32.8 feet) rear yard for the principal building. **Relief:** To permit a lot coverage of 7% for the principal building whereas the Zoning By-law permits 5%.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Official Plan;

- ✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;
- ✓ Is desirable for the appropriate development of the land, building or structure in question; and
- ✓ Is minor.

Proposal

An application for minor variance has been received to permit a single detached dwelling with attached covered porch within the required minimum 30 metre front yard and setback from the highwater mark, and within the required minimum 10 metre rear yard. The subject property also requires a variance for lot coverage for this dwelling.

The subject property is located on Swain Lane, off Cottman Lane, off James Wilson Road, municipally known as 33A Swain Lane. The property is 0.67 acres (0.27 hectares) and has waterfront on Sand Lake. The subject property contains an existing cottage with attached deck, a garage, a sleeping cabin and a detached covered deck.

The existing cottage is 80 square metres (861 square feet) and has a 41 square metre (441 square feet) attached deck located 11.64 metres (38 feet) and 8.53 metres (28 feet) from the highwater mark, respectively. The existing sleeping cabin is 16.4 square metres (177 square feet) and located 30.6 metres (100 feet) from the highwater mark. The garage is situated on the west side of the subject property and is 23.1 square metres (249 square feet) in size located 31.75 metres (104 feet) from the highwater mark. The applicants propose to demolish the existing cottage with attached deck and the existing sleeping cabin, and to build a new seasonal dwelling farther from the highwater mark.

The original application requested permission for a 213.5 square metre (2298 square feet) single detached dwelling including front and back porches. The dwelling would have been setback a minimum of 23.43 metres (76.8 feet) from the highwater mark, and would have resulted in 7.8% lot coverage.

Based on discussions with Township staff, the applicants revised the size of the dwelling resulting in a lesser lot coverage and greater setbacks from the highwater mark and rear property line.

The proposed cottage will be 191.5 square metres (2061 square feet) in area including front and back porches. The proposed cottage would be set back a minimum of 24.96 metres (81 feet) from the highwater mark. In order to be as far back from the water as possible, the applicants are also requesting a variance for the rear yard. The proposed cottage will be located 4.67 metres (15 feet) from the rear property line. The proposed location of a new septic system is to the east of the new cottage and as far back from the highwater mark as possible. The proposed cottage with attached porches would result in 7% lot coverage for the principal building.

The application indicates that with the removal of the sleeping cabin and the existing cottage, the total number of bedrooms will not change.

Agency and Public Comments

Public Services – Public Services was not circulated as the subject property is located on a private lane.

Building Department –The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved. The Building Department notes that a land surveyor will be required to confirm the setbacks as stated in the minor variance decision.

KFL&A Public Health – Comments received from KFL&A Public Health on September 8, 2020, indicate that Public Health Staff require more information on the septic system.

Cataraqui Conservation – Comments received from Cataraqui Conservation on September 1, 2020, indicate that due to the irregular configuration of the proposed building, the actual size of the structure is unclear from the information provided in the application and it seems to be over lot coverage. Staff recommended deferral to allow the applicant to re-consider the size of the proposed development.

Comments received from Cataraqui Conservation on October 1, 2020, on the revised proposal mirror the previous concerns.

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

Planning Analysis Summary

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:

1. Does the variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated 'Rural' in the Official Plan on Schedule A. The type and amount of development on 'Rural' lands must maintain the rural character, natural heritage, and cultural landscape in the Township. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, and development adjacent to the lake. It is noted that it is not physically possible to meet the highwater mark setback. The proposed structure is located at the farthest possible setback from the lake.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

Consistent with Official Plan policy, Section 5.8.2 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the highwater mark of a waterbody. Section 10.3.1 of the Zoning By-law details the permitted uses and zone regulations for residential waterfront including setbacks from the highwater mark and rear yard as well as lot coverage. The variances maintain the general intent and purpose of the Zoning By-law, as the proposed single detached is a permitted use on the property and is located as far away from the waterbody as possible resulting in a reduction of rear yard setback. The proposed location and orientation of the proposed single detached dwelling is practical on the subject property and the majority of the development is located outside of the 30 metre setback from the highwater mark. A 7% lot coverage for the principal building represents a minimal increase on this lot of record. The proposal represents an improvement of an existing condition since development will be further back from the waterfront than existing development.

3. Is the requested variance desirable for the appropriate development of the land, building or structure in question?

The variances are desirable for the appropriate development of the land, as the proposed single detached dwelling is consistent with the intended residential use of the property and the dwelling is proposed within the only building envelope available on the property furthest away from the water. The reduced rear yard is desirable in order to accommodate the dwelling furthest away from the water.

4. Is the variance minor?

The variances are minor, as the proposed single detached dwelling site is a reasonable location for its purpose, and there will be no disturbance to the shoreline as a result of the development. There will be no negative impact on surrounding properties as the result of constructing a new seasonal dwelling at the proposed location.

Recommendation

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-28-20-B, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a singled detached dwelling with a setback of 24 metres (81 feet) to the highwater mark of Sand Lake, a rear yard of 4.6 metres (15 feet) and an allowable 7% lot coverage for the principal building, as per the revised drawings submitted with MV-28-20-B, attached to the Decision as Schedule “A”.

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 Township environmental policies.

3. 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.

4. Minor variance MV-28-20-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 2, 2020

Attachment: Map of the Mulrooney property

KFL&A Public Health

REQUESTS FOR COMMENTS

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

To:	Ms. 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-28-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Mulrooney, Daniel & Debra Agent: Gervan, Mac
Location:	Part Lot 4, Concession 3, Bedford 33A Swain Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the minor variance as the owners have submitted an application under permit number BE-24-20.
Inspector:	Joanne McGurn, CPHI(C), Public Health Inspector
Date:	October 07, 2020

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.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020

Application No: MV-28-20-B
Owners: Daniel & Debra Mulrooney
Location of Property: 33A Swain Lane, Sand Lake.
Purpose of Application: To vary Sections 10.3.1 and 5.8.2 of South Frontenac Zoning By-law 2003-75
Date of Hearing: October 8, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

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Purpose: ✓ zoning relief for construction of a new structure

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KFL&A Public Health – Comments received from KFL&A Public Health on September 8, 2020, indicate that Public Health Staff require more information on the septic system.

Comments received from KFL&A Public Health on October 7, 2020 state that KFL&A Public Health have no objections to the minor variance as the owners have submitted an application under permit number BE-24-20.

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Comments received from Cataraqui Conservation on October 1, 2020, on the revised proposal mirror the previous concerns.

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

Planning Analysis Summary

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:

1. Does the variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated 'Rural' in the Official Plan on Schedule A. The type and amount of development on 'Rural' lands must maintain the rural character, natural heritage, and cultural landscape in the Township. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, and development adjacent to the lake. It is noted that it is not physically possible to meet the highwater mark setback. The proposed structure is located at the farthest possible setback from the lake.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

Consistent with Official Plan policy, Section 5.8.2 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the highwater mark of a waterbody. Section 10.3.1 of the Zoning By-law details the permitted uses and zone regulations for residential waterfront including setbacks from the highwater mark and rear yard as well as lot coverage. The variances maintain the general intent and purpose of the Zoning By-law, as the proposed single detached is a permitted use on the property and is located as far away from the waterbody as possible resulting in a reduction of rear yard setback. The proposed location and orientation of the proposed single detached dwelling is practical on the subject property and the majority of the development is located outside of the 30 metre setback from the highwater mark. A 7% lot coverage for the principal building represents a minimal increase on this lot of record. The proposal represents an improvement of an existing condition since development will be further back from the waterfront than existing development.

3. Is the requested variance desirable for the appropriate development of the land, building or structure in question?

The variances are desirable for the appropriate development of the land, as the proposed single detached dwelling is consistent with the intended residential use of the property and the dwelling is proposed within the only building envelope available on the property furthest away from the water. The reduced rear yard is desirable in order to accommodate the dwelling furthest away from the water.

4. Is the variance minor?

The variances are minor, as the proposed single detached dwelling site is a reasonable location for its purpose, and there will be no disturbance to the shoreline as a result of the development. There will be

no negative impact on surrounding properties as the result of constructing a new seasonal dwelling at the proposed location.

Recommendation

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-28-20-B, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a singled detached dwelling with a setback of 24 metres (81 feet) to the highwater mark of Sand Lake, a rear yard of 4.6 metres (15 feet) and an allowable 7% lot coverage for the principal building, as per the revised drawings submitted with MV-28-20-B, attached to the Decision as Schedule “A”.

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 Township environmental policies.

3. 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.

4. Minor variance MV-28-20-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 2, 2020

Attachment: Map of the Mulrooney property

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Updated January, 2020

The Committee of Adjustment is a Committee of eight persons appointed by Township Council. The Committee is formed under Section 45 of the Planning Act R.S.O. 1990, Chapter P.13, to authorize a minor variance from a zoning by-law.

The Committee may vary Zoning By-law provisions provided the Committee is of the opinion that the variance:

- Is desirable for the appropriate development or use of the land, building or structure
- Maintains the general intent and purpose of the Official Plan.
- Maintains the general intent and purpose of the Zoning By-law.
- Is minor in nature

Application Requirements

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE in accordance with the chart below** in cash, debit or by cheque made payable to the Township of South Frontenac.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
1-3 Variances	$940.00	$94.00	$1,034.00
4+ Variances	$1,290.00	$94.00	$1,984.00
After building without a permit	$1,970.00	$94.00	$2,064.00

2. It is required that a Fee be provided for the Health Unit and Conservation Authority (where applicable) when submitting an application (Separate **cheques**, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application).
   Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit *Minor Variance Only* *Minor Variance WITH Performance Review*	$450 $700
Cataraqui Region Conservation Authority	$400
Quinte Conservation Authority	$341
Rideau Valley Conservation Authority *Standard (additions & other minor works)* *Major and/or new construction*	$380 $510

3. PLEASE READ THIS ITEM CAREFULLY

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in Question 29 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Minor Variance Application by the Committee of Adjustment. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A guide to answering the application questions is attached.

4. Collection of Personal Information

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 376-3027 ext.2224).

RECEIVED
AUG 13 2020
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

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

Date Received: _____ File No: MV-29-20-L

1. Name of Owner(s): ANITA AUSTIN DUNN & KEITH DUNN

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

[redacted]

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☑ Loughborough ☐ Storrington

Concession Number: 12 Lot Number: 9 -(10)

Street Number: 1138A Name of Road/Street: OTTER POINT LANE

Reference Plan Number: 2128689 Part Number(s): _____

Roll Number: 040-020-27900-0000

PIN 36281-0038

Reg.n # FR 685918

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): 35 m Frontage (on road/lane): 27.68 m

Depth: 59.1 (max depth) Area: 1,523 m²

5. The current zoning of the subject land:

Limited service residential- waterfront zone (RLSW)

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

reduced setback of building from high water mark.
20.5 m setback instead of 30 m.

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

not enough room to move further back while
allowing space for the septic leach bed.

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

Name of Road/Lane:

OTTER POINT 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?

RECREATIONAL / RESIDENTIAL

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) COTTAGE	(2)	(3)	(4)
Setback from Front Lot Line	31.26 m			
Setback from Rear Lot Line	9.9 m			
Setback from Side Lot Line	8.53 m			
Height of Building (Also indicate if it is one story or two story)	4.9 m one storey			
Dimensions of Floor Area	6.1m x 9.2 m			
Setback from High Water Mark (If applicable)	9.9 m (bldg) 8.3 m (deck)			

13. The proposed uses of the subject land:

RESIDENTIAL / RECREATIONAL

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

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

Type of Structure (E.g. residence)	**(1)** COTTAGE	**(2)** DECK	**(3)** SHED/GARAGE	**(4)**
Setback from Front Lot Line	20 m	27.3 m	5 m	
Setback from Rear Lot Line	20.5 m	17.5 m	48.5 m	
Setback from Side Lot Line	8.4 m	8.4 m	5 m	
Height of Building (Also indicate if it is one story or two story)	6.7 m one storey	3.5 m	3 m one storey	
Outside Dimensions of Building/Structure	7.3m x 10.4m (24'x34')	3m x 10.4 m (10'x34')	3.7 x 6.1m (12'x20')	
Setback from High Water Mark (If applicable)	20.5m	17.5m	48.5m	

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 existing cottage

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

17 OCTOBER 2018

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

early 1960's

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

55 years - 60 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:

WATER PUMPED FROM 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:

PRIVATE SEPTIC SYSTEM

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

NO

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

☐ Yes ☑ No

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

---

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

☐ Yes ☑ No

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

---

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

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

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

AGREEMENT TO INDEMNIFY

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

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

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

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

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

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

[redacted]

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).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19) Date land acquired: When did you take possession of the property?

20) Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

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

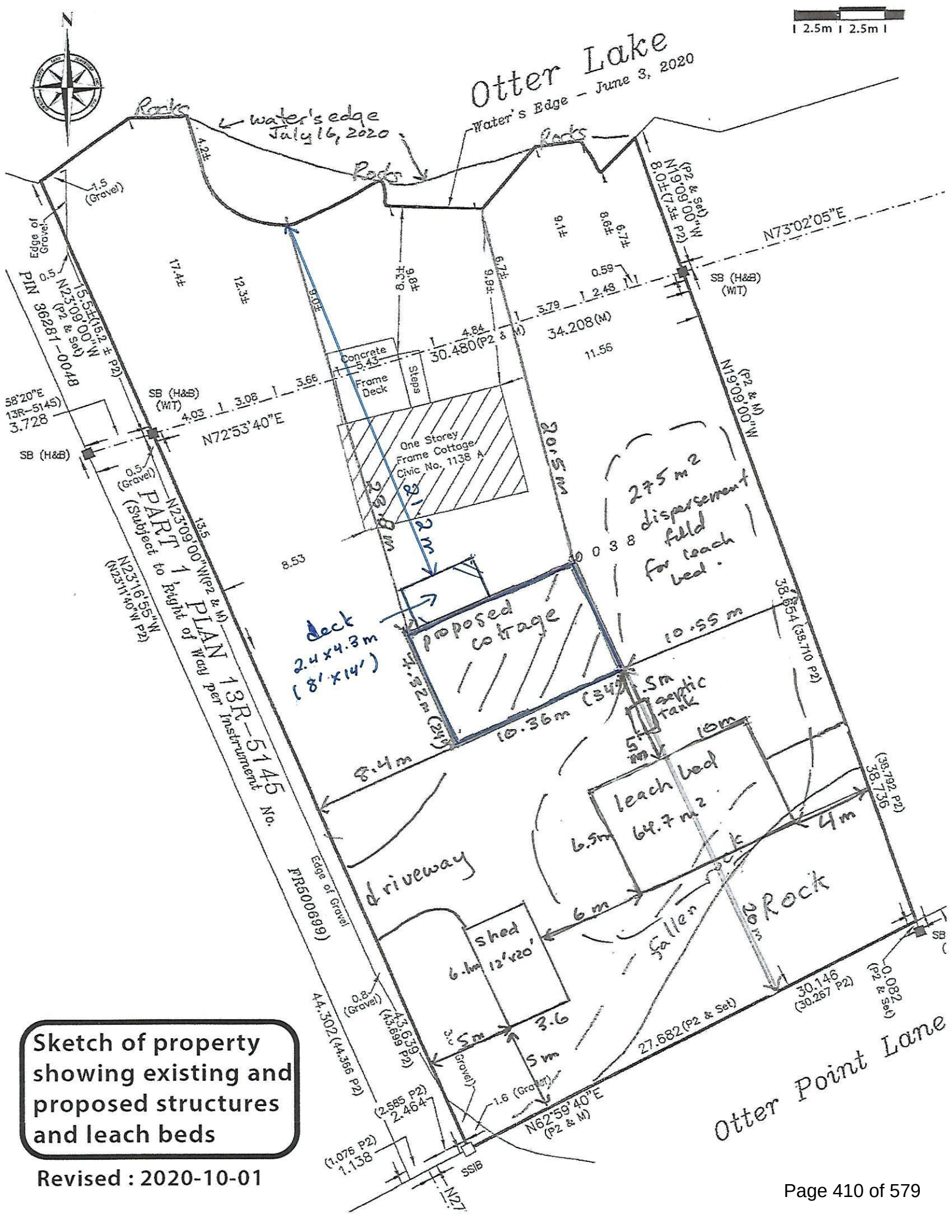
	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	COTTAGE	DECK	SHED	
Setback from Front Lot Line	20m	27.3m	5 m	
Setback from Rear Lot Line	20.5 m	21.2 m	48.5m	
Setback from Side Lot Line	8.4 m	9.1 m	5 m	
Height of Building (Also indicate if it is one story or two story)	6.7m one storey	2.9m	3 m one storey	
Outside Dimensions of Building/Structure	7.3m x 10.4m (24' x 34')	2.4 x 4.3 m (8'x14')	3.7 x 6.1m (12' x20')	
Setback from High Water Mark (If applicable)	20.5m	21.2 m	48.5 m	

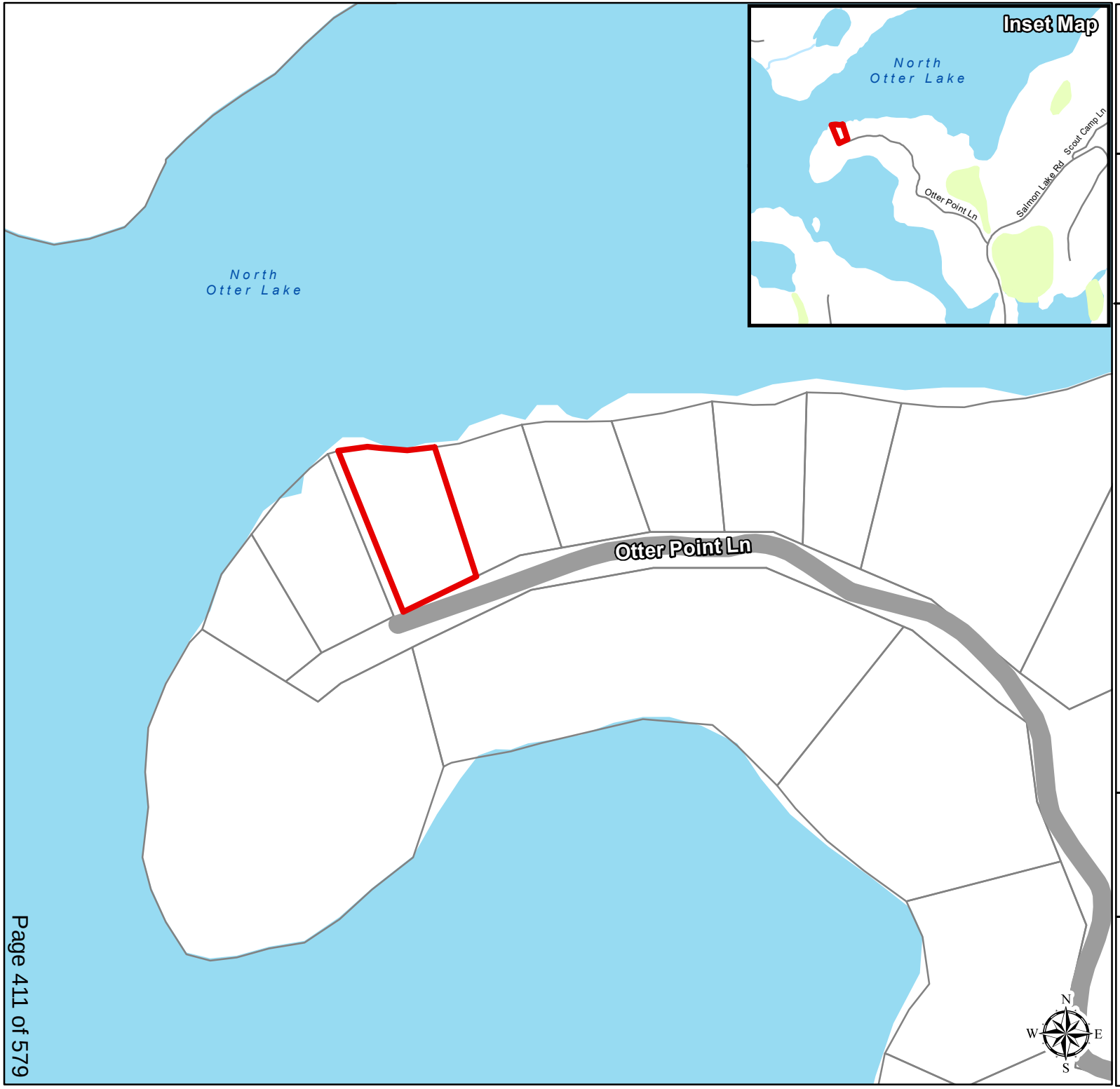
NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed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

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

If yes, please provide details:

remove existing cottage


Otter Lake
Water's Edge - June 3, 2020
water's edge July 16, 2020
Rocks
Rocks
Rocks
N
2.5m 2.5m
PIN 36281-0048
PART 1 PLAN 13R-5145
(Subject to Right of Way per Instrument No. FR500699)
N73°02'05"E
N19°09'00"W (P2 & Set)
N19°09'00"W (P2 & M)
N23°09'00"W (P2 & Set)
N23°09'00"W (P2 & M)
N23°16'55"W (N23°11'40"W P2)
N72°53'40"E
N62°59'40"E (P2 & M)
SB (H&B) (WIT)
SB (H&B)
Edge of Gravel
Concrete
Steps
Frame Deck
One Storey Frame Cottage Civic No. 1138 A
34.208(M)
30.480(P2 & M)
11.56
20.5m
275 m2 dispersement field for leach bed.
Deck 2.4x4.3m (8'x14')
proposed cottage
10.55 m
10.36m (34')
4.32m (14')
1.5m septic tank
leach bed 64.7 m2
10m
5m
6.5m
4m
8.4m
driveway
shed 6.1m 12'x20'
6m
fallen Rock
20m
Otter Point Lane
44.302 (44.366 P2)
43.639 (43.699 P2)
38.654 (38.710 P2)
38.792 (P2) 38.736
30.146 (30.267 P2)
27.682 (P2 & Set)
0.082 (P2 & Set)
2.585 P2) 2.464
(1.076 P2) 1.138
SSIB
N27
3.6
5m
3.05m
Sketch of property showing existing and proposed structures and leach beds
Revised : 2020-10-01



MV-29-20-L (Dunn)

1138A OTTER POINT LANE

Legend

- Subject Parcel
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

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

Scale 1:1,800

0 5 10 20 30 40

Meters

UTM Projection NAD 83

August 31, 2020 File: MV/FRS/169/2020

Sent by E-mail

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

Dear Ms. Geladi:

Re: Application for Minor Variance MV-29-20-L (Dunn)
Lot 9, Concession 12; 1138A Otter Point Lane
Loughborough District, Township of South Frontenac
Waterbody: Otter Lake

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration.

Summary of Proposal

The proposal involves the construction of a cottage 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. of the South Frontenac Zoning By-law, to 20.5 metres in order to permit the construction of a cottage.

Site Description

The property is located on the north side of Otter Point Lane with water frontage onto Otter Lake. The topography of the site can be characterized as gently rising up from the waterfront and levelling out in behind the location of the existing cottage, then rising again toward Otter Point Lane to the south.

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.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Otter Lake, and the protection of its water quality. There were no natural heritage features identified on the subject property.

Natural Hazards

Flooding: Cataraqui Conservation does not have floodplain information for Otter Lake. However, due to the difference in elevation between the highwater mark of Otter Lake and the proposed location for the development, flooding is not expected to occur. Therefore, the proposed location for the dwelling is considered to be outside of any area of potential flood risk. Further, Cataraqui Conservation's Environmental Planning Policy suggests that new development should be set back 6 metres from any area that may be subject to flood risk. Since the proposal involves moving development further away from the shoreline, staff are satisfied that this requirement is being met.

Erosion: Cataraqui Conservation's Environmental Planning Policy suggests that the erosion hazard limit is defined as being the sum total of an allowance for toe erosion, a stable slope allowance defined as being no steeper than 1(h):1(v) for bedrock shorelines, plus a 6 metre access allowance. The bank at the shoreline is estimated to be approximately 1.0 metre in height which results in a total erosion hazard limit of 6 metres measured from the stable toe of slope. Staff have concluded that the proposed development will be located outside of the erosion hazard limit.

Water Quality

Section 5.8.2 (1.) of the Zoning By-Law for South Frontenac Township suggests that a 30 metre setback from the highwater mark is required to be maintained as a buffer in order to protect water quality. The Official Plan also requires that this buffer area be maintained as a natural vegetative buffer strip adjacent to the water's edge to filter pollutants from runoff. Similarly, Cataraqui Conservation's Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody. However, new development within the water setback can be considered if the property is an existing lot of record, there are no reasonable alternatives for locating the development outside of the water setback area, and development is set back as far as possible from the water in all

directions. Due to site constraints and the need for a proper septic system located as far back from the lake as possible, staff believe that the setback from the highwater mark has been maximized. In addition, staff also support this application as this development proposal represents an improvement of an existing condition since development will be further back from the waterfront than existing development.

Recommendation

Staff have no objection to the approval of application MV-29-20-L based on our consideration for natural hazard, natural heritage and water quality policies.

Ontario Regulation 148/06

Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a valley land. The valley of Otter Lake is considered to extend inland to the top of the slope. Therefore, a Cataraqui Conservation permit will be required for the proposed development under said regulation. 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 e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Anita & Keith Dunn, applicants (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

KFL&A Public Health

REQUESTS FOR COMMENTS

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

To:	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario K0H 2T0
Application Number:	MV-29-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Dunn, Anita & Keith
Location:	Part Lots 9 and 10, Concession 12; North Otter Lake 1138A Otter Point Lane Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	KFL&A Public Health has no objections to the proposed minor variance.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	September 09, 2020

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.

Laura Hodgson Paul Pageau
[redacted]
[redacted]

September 9, 2020

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

Dear Ms. Hannah,

Re 1138A Otter Point Lane, North Otter Lake

We are writing with respect to the application to permit the construction of a dwelling, deck, shed and expanded septic system on 1138A Otter Point Lane. We are the owners of the lot adjacent to this property at 1138B Otter Point Lane. We have owned the property for 14 years.

We know the new owners of 1138A and are happy to have them as neighbors. Building a new septic system is an important part of protecting Otter Lake. We are, however, concerned about the tree loss resulting from the set back and construction of a larger structure. It is unclear why the existing structure dimensions and location are not sufficient for a rebuild. In our view, the proposed variance may be an overbuild for the area and for this small sized property.

As are others, we are concerned about the cumulative impact of development on Otter Point. 'The point' (the end lot on Otter Point Lane), the other lot owned by the applicants, was significantly developed, resulting in the loss of dozens of old growth trees.

People are motivated to buy property and to visit North and South Otter Lake because of its woodlands, lake and uncrowded lots. Variances of this nature will ultimately impact the environmental integrity and desired character of the area. The proposal does not minimize environmental

impact. As noted, there does not appear to be any compelling reason for the original, modest dwelling dimensions and placement to not be retained.

We are unable to attend the meeting but thank you for considering our submissions.

Sincerely,



Laura Hodgson Paul Pageau

To: Michelle Hannah
Secretary-Treasurer,
Committee of Adjustment
planning@southfrontenac.net

Re: Variance application for 1138A Otter Point Lane
MV-29-20-L

September 8, 2020

As owners of 1039 Otter Point Lane, CON 12 PT LOT 10 RP 13R8072 PARTS 7-8, we have a vested interest in any and all changes proposed to be made in our neighbourhood. While progress and change are inevitable, they both need to be tempered with common sense and a measure of protection for the natural environment along with the right of interested parties to continue to enjoy their surroundings. The request for a Variance on the property at 1138A Otter Point Lane, and the changes inherent in its approval, do not take these considerations into account.

- The existing cottage and deck together measure approximately 66.4 sq. metres. The proposed house, deck, and shed/garage together measure approximately 129.7 sq. metres – an increase of over 95% in total area of buildings. The new plans hardly consider maintaining the existing “footprint”.

- The combined area of buildings (129.7 sq. metres) divided by the area of the lot (1523.4 sq. metres) represents lot coverage of approximately 8.5%, well above the maximum allowed by By-law of 5%.

- While it is true that the new house would be further from the highwater mark than the existing cottage, it would still be far closer to the water than the 30 metres allowed by By-law. And it is to be noted that recent Variance applications made for similar encroachments on the required off-set from the highwater mark have been denied were denied to other Otter Point Lane owners.

- In order to install a walk-out basement and a septic facility, rock blasting would have to take place at more than one location. Both locations are very near the shoreline – there is no discussion as to how the shoreline would be protected.

- The shoreline, until recently, was quite heavily treed, allowing a partial screening of the cottage from the lake. Many trees have been removed and the new house would be on full view.

- A fully winterised house with a walk-out basement, 2 bedrooms, and a bathroom would almost certainly include a well for fresh water. While a well is being “considered”, it is not clear where it could be properly located on the property given the existing By-laws, the proposed space to be covered by the new buildings, septic system, and the decommissioning of the older septic system. In consideration of neighbours, the ramifications of a new well must be taken into account.

- This application does not seem to be for a simple, single Variance but, instead, for several other variances not otherwise stated or included.

- Other building projects on Otter Point Lane have made sure that the integrity of the private road was maintained, to the extent that, in one case, a new culvert was

installed at the owners' expense. We are concerned that an undertaking as large as this one appears to be could have a negative impact on the road itself and that there is no mention in the Notes of any promise to repair any damage.

Lynda and John Morrison
[redacted]

66 Yonge Street,
Kingston, Ont.
K7M 1E5

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

September 7, 2020

Ms. Hannah,

Keith and Anita Dunn - File # MV-29-20-L
Part Lots 9-10, Concession 12, Loughborough, 1138-A Otter Point Lane

This zoning variance is described as "Minor". For us, it is most certainly a "Major" variance, regardless of this bland designation by Keith and Anita Dunn, and the Planning Department. We strongly oppose the Committee of Adjustment granting this variance both in principle, by a careful reading of the zoning rules, in fairness relative to neighbouring cottagers, and relative to the character of the neighbourhood.

The Dunn's have proven themselves to be likeable neighbours but we very much dislike the damage they propose to impose upon the fragile ecology of this small peninsula and the excessive size of the proposed construction. When the Dunns bought this property, they announced to their neighbours that they intended to renovate the existing three-season structure on the current 55 square metre footprint. There is no question that this would be desirable. Further everyone agrees, and is unconcerned by, that fact that the proximity of the existing structure to the lake is "grand-fathered".

Size and Position of Building

There is no justification whatsoever for permitting the replacing of the existing cottage:

a) In a position on the lot that will continue to be non-compliant with the 100-foot setback requirement specified by zoning bylaw 10.3.1;
b) On a footprint that now measures 76 square metres, nearly 40% larger than the existing structure
c) With a full walk-out basement, where none exists in the current structure; and
d) With upgraded utility for four season use.

We are well aware that basement living space is not considered in measurement of lot coverage. Nevertheless, common sense tells you that a full walk-out basement effectively doubles the proposed 76 square metre living space. In essence, the Dunns are proposing to build what will amount to a 154 square metre (1,600 square foot) four-season suburban house on a tiny 1,410 square metre lot. To describe the proposed building as "a cottage" – as they do in this application - is simply deceptive and a huge advance beyond the existing 600 square foot structure.

Equity

The Dunns are suggesting that they cannot build the proposed house in compliance with the 100-foot setback specified in bylaw 10.3.1 because of the size and nature of the lot. This is a thoroughly

irrelevant justification – the proposed building should not be approved in the first place. When we asked for a construction permit several years ago, we were told that we were not allowed to:

- Alter the footprint of our cottage; or
- Move the cottage to a different part of the property (for the same 100-foot setback reasons);
- Excavate a livable basement below the property.

We understand that the same messages have been conveyed since then to our neighbours. It is inequitable that none of these restrictions apply to the Dunns.

Lot Coverage

Lot Coverage is defined in the bylaws as "that percentage of the lot area covered by *all* buildings or structures ….". ***Buildings*** are defined as "any structure … built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment". A ***Structure*** is defined as "anything constructed or erected, the use of which requires location on the ground, or which is attached to something having location on the ground".

Using the principle that words should be interpreted simply and straightforwardly, these definitions include the proposed house, the attached deck and the proposed 20' by 10' shed. The area of the property is approximately 1,400 square metres. The combined footprints of the house, deck and shed are 117 square metres, or 8.3% of the lot area. Bylaw 10.3.1 states that lot coverage must not exceed 5%. The variance application totally ignores lot coverage exceeding the bylaw by 60%.

The Environment and the Character of the Neighbourhood

We understand that the Adjustment Committee tries its best to consider issues other than technical rules and potential tax revenue. We acknowledge that the simple one-story existing cottage is too close to the lake by present standards, but renovating it will have far, far less impact on the beauty of this cottaging area than the intrusion of a suburban house. Further, the Committee cannot, on the plans presented, see the trees that will be destroyed to build the shed and leach bed, nor readily appreciate how the new buildings will be an eyesore when viewed from both the lake and from neighbouring properties. The Dunns evidently are unmoved by such destruction, but we are not.

We urge the Committee to reject this "Minor" variance. It is neither Minor, nor Fair to the Neighbours, nor Compliant with either Setback or Lot Coverage rules.



David Crane
Husband of Jean Hodgson – Owner of 1146 Otter Point Lane

Archived: September 10, 2020 11:48:51 AM
From: [redacted]
Sent: September 9, 2020 4:45:44 PM
To: [redacted]
Subject: Keith and Anita Dunn MV-29-20-L
Sensitivity: Normal

Michelle Hannah

Secretary Treasurer Committee of Adjustment
Township of South Frontenac

My family has been cottaging at 1146 and 1138b Otter Point Lane for many years. We are adjacent to the property requesting variance (MV-29-20 L). Also, on the other side of our property is land owned and developed by the same applicants, Anita and Keith Dunn.

I am totally against the variance. The existing small cottage was built many years before the current by law requiring set back from the water and is "grandfathered;" however, the proposed new house is not in accordance with the by law either. I strongly believe that the new structures - enlarged house, with walkout basement plus a large shed (work shop) on such a small property, will be more damaging to the environment than renovating the original cottage. Further, a new modern structure is not in keeping with the character of this unique, ecologically sensitive point.

Cottagers and residents, for the most part, have renovated their original modest cottages built in the last half of the last century. This is not Muskoka or a Montreal suburb. Otter Point is a small peninsula jutting into North Otter Lake. The natural growth of mixed Forrest must be preserved.

I mentioned that our cottage is adjacent to the other property owed and developed by Anita and Keith Dunn.
It is my fear that their newly proposed structure will further damage this vulnerable environment having witnessed the heart breaking distruction by blasting of granite and the felling of hundred year old pines done to facilitate a huge year round house and parking lot on the beautiful tip of Otter Point by the same applicants - people I like and welcome as neighbours but not as builders on Otter Point.

Sincerely,
Jean Hodgson

PS: Remember that old Joni Mitchell song, "Pave Paradise and put up a parking lot?"

Sent from my LG Mobile

Concerns re application for Minor Variance

MV-29-20-L 1138A Otter Point Lane

We are unclear how this application constitutes either 'a', or a 'minor' variance when it contains at least 5 major changes outside the current building regulations; far beyond the need for accommodations due to the small lot size the current owners purchased last year.

It is clear, that moving the building footprint back from the lake could potentially have a positive effect on the lake eco-system. This much we agree with.

What does not make sense is that given the need for accommodations due to the small lot size that the building(s) footprint should be increased. We are strongly opposed to this as it will have a deleterious effect on the environment and the neighbourhood community.

What is of further concern is that the publicly available information is not readily accessible, or comprehensive.

Issues & Concerns:

- The current cottage building measures 20x28ft with a small ½ length deck at the water's edge. We cannot see how this building could be increased to 24x34ft along with an additional full length 10ft wide deck on the water side.
- Further research has revealed that the intention is to build a 2storey structure with a full walk out basement, whereas the current structure is on blocks with a partial, open crawl space. The total square footage of the cottage itself would effectively be almost tripled with the proposed plan.
- Not only this; but an additional building measuring 12 x 20 ft is also part of the proposed plan. The proposed height of this building is not evident.
- This means that the total area of the property covered by buildings would be over 8% which is well above the allowable 5% (as per current posted building regulations).
- In addition there is no mention of how the existing cottage site would be safely remediated to prevent erosion and lake quality damage.
- The proposed plan also places a leaching bed adjacent to the cottage property next door and into the back hillside that connects with the roadbed for the right of way for all lane-side owners. This could potentially undermine the shared roadway.

- A well is not in the plan, but is alluded to as a consideration, yet with this proposed plan, there is not only nowhere for a well to be placed on the property within current safety regulations, but this could also preclude the neighbours either side from putting in a well should they wish to do so.
- Multiple mature trees would need to be taken down to accommodate the proposed plan. We are very concerned about the impact of further de-foresting the area, particularly within the lake valley. The current owners have already removed several mature tees at the water's edge (in varying states of health ranging from poor to excellent).
- This area is composed of solid granite bedrock which would likely require blasting in order to build a full basement. We cannot see how this could be allowable so close to the water in a low- lying area of the lake. We would like to know what the Cataraqui Conservation Authority thinks about blasting at the proposed site.

It is also of note to mention that the property owners, Keith Austin & Anita Dunn own a property just down the lane-way with two other cottage owners between these properties.

When the current owners built on their original property there was little to no evidence of concern for the environment or the neighbouring community. As with this project, there was not clear or accurate communication with neighbours.

During their previous build we were subjected to laneway damage and lateral roadway movement with no remediation despite a written request.

There were 3 days of blasting with no warning. Our home, which had been built over 15 years prior to their build 7-8 yrs ago then developed small settling cracks.

Dozens of mature trees were removed from their property and rubble pushed against others so that further tree loss has since occurred. It is of definite concern that they are employing the same company and demonstrating the same approach to clearing the area which encourages erosion and further tree loss.

We live in a beautiful natural environment and can not comprehend why adjusting the current regulations and disturbing our environment to this extent is in anyone's best interests.

Sincerely,

Judy Tetlow & Dale Midwood [redacted]

Archived: October 2, 2020 8:53:13 AM
From: [redacted]
Sent: October 1, 2020 3:31:17 PM
To: planning
Cc: [redacted]
Subject: [redacted] MV-29-20-L ;1138-A Otter Point Lane
Sensitivity: Normal

Ms. Hannah,

We strongly support the Dunn'a application for a variance at 1138-A Otter Point Lane.

We are their closest neighbors right next door at 1128 Otter Point Lane. Over the eight years we have owned our cottage we have regularly seen and heard drunk parties next door and seen little or no maintenance.
.
We are thrilled the Dunns are the new owners and that they plan to re-build the whole structure for use of their family. We have fully discussed their latest plans with them and are pleased to hear that blasting is not being contemplated as that might have upset the footings of our cottage. We welcome the latest plans to erect a four season house, replace the old septic system which is near to our property and to remove a few trees from a very well treed lot.

We are confident the re-building will benefit the environment and our neighboring property values.

Sincerely,

[redacted]

Oct. 4, 2020

Jon and Marie Hulse

1121 Otter Point Lane

Re: Variance for 1138A Otter Point Lane, file no. MV-29-20-L

To whom it may concern,

As neighbours to the subject property we have discussed the plans for a new cottage with the owners. We understand that the necessary bodies, including the CRCA have been consulted, with some adjustments made, and that all necessary codes and good practice will be followed in the construction of the new cottage. Given the condition of the existing cottage we believe that this will be an improvement to the point. As a result, we have no objection to the variance and trust that the planning committee can approve.

Sincerely,

Jon and Marie Hulse

66 Yonge Street,
Kingston, Ont.
K7M 1E5

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

September 7, 2020

Ms. Hannah,

Keith and Anita Dunn - File # MV-29-20-L
Part Lots 9-10, Concession 12, Loughborough, 1138-A Otter Point Lane

This zoning variance is described as "Minor". For us, it is most certainly a "Major" variance, regardless of this bland designation by Keith and Anita Dunn, and the Planning Department. We strongly oppose the Committee of Adjustment granting this variance both in principle, by a careful reading of the zoning rules, in fairness relative to neighbouring cottagers, and relative to the character of the neighbourhood.

The Dunn's have proven themselves to be likeable neighbours but we very much dislike the damage they propose to impose upon the fragile ecology of this small peninsula and the excessive size of the proposed construction. When the Dunns bought this property, they announced to their neighbours that they intended to renovate the existing three-season structure on the current 55 square metre footprint. There is no question that this would be desirable. Further everyone agrees, and is unconcerned by, that fact that the proximity of the existing structure to the lake is "grand-fathered".

Size and Position of Building

There is no justification whatsoever for permitting the replacing of the existing cottage:

a) In a position on the lot that will continue to be non-compliant with the 100-foot setback requirement specified by zoning bylaw 10.3.1;
b) On a footprint that now measures 76 square metres, nearly 40% larger than the existing structure
c) With a full walk-out basement, where none exists in the current structure; and
d) With upgraded utility for four season use.

We are well aware that basement living space is not considered in measurement of lot coverage. Nevertheless, common sense tells you that a full walk-out basement effectively doubles the proposed 76 square metre living space. In essence, the Dunns are proposing to build what will amount to a 154 square metre (1,600 square foot) four-season suburban house on a tiny 1,410 square metre lot. To describe the proposed building as "a cottage" – as they do in this application - is simply deceptive and a huge advance beyond the existing 600 square foot structure.

Equity

The Dunns are suggesting that they cannot build the proposed house in compliance with the 100-foot setback specified in bylaw 10.3.1 because of the size and nature of the lot. This is a thoroughly

irrelevant justification – the proposed building should not be approved in the first place. When we asked for a construction permit several years ago, we were told that we were not allowed to:

- Alter the footprint of our cottage; or
- Move the cottage to a different part of the property (for the same 100-foot setback reasons);
- Excavate a livable basement below the property.

We understand that the same messages have been conveyed since then to our neighbours. It is inequitable that none of these restrictions apply to the Dunns.

Lot Coverage

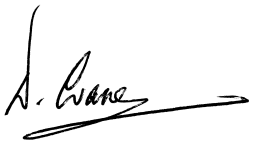
Lot Coverage is defined in the bylaws as "that percentage of the lot area covered by *all* buildings or structures ….". ***Buildings*** are defined as "any structure … built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment". A ***Structure*** is defined as "anything constructed or erected, the use of which requires location on the ground, or which is attached to something having location on the ground".

Using the principle that words should be interpreted simply and straightforwardly, these definitions include the proposed house, the attached deck and the proposed 20' by 10' shed. The area of the property is approximately 1,400 square metres. The combined footprints of the house, deck and shed are 117 square metres, or 8.3% of the lot area. Bylaw 10.3.1 states that lot coverage must not exceed 5%. The variance application totally ignores lot coverage exceeding the bylaw by 60%.

The Environment and the Character of the Neighbourhood

We understand that the Adjustment Committee tries its best to consider issues other than technical rules and potential tax revenue. We acknowledge that the simple one-story existing cottage is too close to the lake by present standards, but renovating it will have far, far less impact on the beauty of this cottaging area than the intrusion of a suburban house. Further, the Committee cannot, on the plans presented, see the trees that will be destroyed to build the shed and leach bed, nor readily appreciate how the new buildings will be an eyesore when viewed from both the lake and from neighbouring properties. The Dunns evidently are unmoved by such destruction, but we are not.

We urge the Committee to reject this "Minor" variance. It is neither Minor, nor Fair to the Neighbours, nor Compliant with either Setback or Lot Coverage rules.



David Crane
Husband of Jean Hodgson – Owner of 1146 Otter Point Lane

File No: MV-29-20-L

Sept 30 2020

Att: Michelle Hannah

I Carol Leeson reside at 1124 Otter Point Ln. year round. I feel my comment should mean something about the cottage being built by Keith + Anita Dunn.

I live 100ft. from the property that has already gone through more than enough hoops to get permission through the township etc. to build. Only to have people ½ mi. away to Complain.

The majority of the people at this end approve of the Dunn's plans.

I don't feel anyone at the other end of the road should control everyone's opinions. I speak for myself & I am in favor of the Dunsid plans to BEAUTIFY our surroundings. It will increase the value of each & everyones homes & cottages. There for will provide the township with more tax money to improve our township.

I feel all these PETTY complaints are NONSENCE.

PLEASE ALLOW PERMISSION

Sincerely

Michelle Hannah

From: A MCGONEGAL <amcgonegal@bell.net>
Sent: October-06-20 10:29 AM
To: Michelle Hannah
Cc: Anita Austin Dunn
Subject: File # MV-29-20-L

Variance for 1138A Otter Point Lane

File # MV-29-20-L

Good Morning

My name is Ann McGonegal and I have a cottage 1114 Otter Point Lane along with my husband and grandson .

We want to support Anita and Keith on the building of their new cottage on what we have always called "Promised Lodge". I started my love for Otter Lake when I was 8 years old and it still continues as I am in my senior years. We feel like Anita and Keith that this older cottage needs to be replaced with a new one. The original cottage is in need of much repair and is collapsing with age. The Dunn's love of nature and the habitat that surrounds on our lake is a wonderful thing. My family spends most of July and August and weekends starting in the Spring until late Fall and we have no problems with any type of 'noise' that may occur during construction.My parent bought this lot in 1961 and I was the lucky one to have inherit this property when my mom passed away. We have had many improvements on our lane over the years on cottage/homes and it is a great valve to our properties and to my knowledge no one has had complaints. I am surprised by the reaction of a few of our neighbours over the building of this new cottage and for me I think jealously is playing a part in this if they had wanted to keep this property the way it is then they had the opportunity to buy this piece of property. I don't understand why when in the long run everyone with benefit on their value of their own properties. I am not worried about having access to the boat launch and most of us go the the culvert on Salmon Lake Road to put in our boats. Over the years water levels have decreased and it can be difficult to launch a bigger boat. My grandson and I with our little dog enjoy walking down the boat launch to look at the scenery and see if we can see frogs.I hope this letter will go towards supporting Keith and Anita Dunn. We will enjoy watching the new cottage being built and improving this beautiful piece of land. My American friends will be smiling from heaven!!

Many Regards and Stay Save

Dave, Ann and Isiah McGonegal 1114 Otter Point Lane.

613 376 7657 / 613 549 7536

Re: Application for Minor Variance MV-29-20-L :

1138A Otter Point Lane; Keith Austin & Anita Dunn

Dear Committee of Adjustment members;

Thank-you for taking the time to review this application.

Our concerns remain as previously expressed; namely that the Dunn's intentions are:

- to increase the footprint of the current building
- to add an additional level to the building
- to add another building onto the lot
- to place a new septic bed closely adjacent to the road
- to remove further trees

Clearly, the small lot size does not support such changes. Current building regulations do not actually support a building at all, though we do appreciate that the existing building has been grandfathered.

The only planning adjustment that we can see to the Dunn's initial proposed plan is a decrease to the size of the deck.

We agree that the existing cottage requires significant improvement. This we would like to see, although not with the proposed concomitant increases in both size & height as well as adding in an additional outbuilding.

We live in a beautiful naturalized area in the Frontenac Axis adjacent to Frontenac Provincial Park. We appreciate the natural beauty of the area and are concerned that more of this will be lost. We believe it might be helpful for the committee to have a look at the end of the road to see how the Dunn's have rendered their current cottage/ 'chalet' into the landscape. There is now a pile of rubble and a vast expanse of gravel in place of trees.

We are also concerned about setting precedent for ongoing future building code changes that will have a deleterious effect on our environment. Other neighbours have previously been denied the opportunity to add a basement or further square

footage to existing buildings. We are concerned about what the future will hold for regulation changes.

Finally, we also need to add that we are hugely disappointed in how the approach to this application has negatively affected our entire community.

We have owned property here for over 30 years and lived here full time for almost 20. We have enjoyed respectful, friendly connections with all of our neighbours and appreciate that we work together as a community to support one another as needed. Through the actions of the Dunn's we have now been faced with fellow community members who have been castigated for letter writing (as within our democratic rights) as well as public pronouncements to others about the perceived intentions of community members, and we have personally been publicly denigrated for the community work we do regarding upkeep to the shared private laneway.

On two occasions since the September committee meeting we have reached out to have a discussion with the Dunn's to build understanding and relationship and have been rebuffed. We were never approached to discuss their proposal. In fact, questions we asked were responded to with vague answers and jokes. The overall change in tone and diminished feeling of safety in our community is distressing.

We have no personal agenda with the Dunn's, in fact have previously had respectful and interesting conversations and had hoped to re-establish this. Their current lack of response to address the concerns of multiple community members remains concerning. Their intended changes to the current property do not fit within Township bylaws, nor do they suit the environment that we all share.

We are happy to support the Dunn's improvement of the current property, but not at the expense of the environment and the by-laws that were designed to protect it.

Sincerely

Judy Tetlow & Dale Midwood

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020

Application No: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn
Location of Property: 1138A Otter Point Lane
Purpose of Application: To vary Sections 5.8.2 and 10.3.1 of Zoning By-law 2003-75
Date of Hearing: September 10, 2020

Recommendation: That provisional approval be:

_✓_ granted with conditions (attached)

___ deferred

___ denied

Purpose: _✓_ zoning relief for construction of a new structure

___ zoning relief for replacement to an existing structure

___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	Limited Service Residential – Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a one-storey seasonal dwelling with an attached deck located 20.5 metres (67 feet) and 19.8 metres (65 feet), respectively, from the highwater mark whereas the By-law requires a minimum 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback and Lot Coverage	**Relief:** To permit a one-storey seasonal dwelling with an attached deck located 20.5 metres (67 feet) and 19.8 metres (65 feet), respectively, from the highwater mark and from the front lot line whereas the By-law requires a minimum 30 metre (98.4 feet) setback from the highwater mark and a minimum 30 metre front yard for the principal building. **Relief**: To permit 5.6% lot coverage for the principal building whereas the By-law allows 5%.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintain the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintain the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the land, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit a one-storey seasonal dwelling with an attached deck within the required minimum 30 metre setback from the highwater mark of Otter Lake. The subject property also requires a variance for lot coverage of 5.6% for this dwelling.

The subject property is located on the north side of Otter Point Lane, off of Salmon Lake Road with water frontage on Otter Lake, and is municipally known as 1138A Otter Point Lane. The subject property contains a 56 metre^2 (603 feet^2) seasonal dwelling with an attached deck setback approximately 8.3 metres (27 feet) from the highwater mark of Otter Lake. The topography of the site can be characterized as gently rising up from the waterfront and levelling out in behind the location of the existing cottage with fallen rock near the lane.

The applicants propose to demolish the existing cottage and attached deck and to construct a new cottage with an attached deck farther back from the highwater mark. The proposed cottage is 76 metres^2 (816 feet^2) and would be set back 20.5 metres (67 feet) from the high water mark. The proposed cottage is one storey with walkout basement with a height of 6.7 metres (22 feet).

The application was revised following feedback received from Township staff, Cataraqui Conservation staff and at the public hearing. The area of the attached deck would be reduced by two-thirds in order to reduce the proposed lot coverage from 6.6% to 5.6%. The attached deck would be 10.3 metres^2 (112 feet^2) and would be 19.8 metres (65 feet) to the highwater mark at its closest point. The attached deck is proposed along the west side of the front of the cottage.

The applicants also propose to build a shed for storage purposes. The shed is 22.6 metres^2 (240 feet^2), with a height of 3 metres (9.8 feet) and located 48.5 metres (159 feet) from the highwater mark and 5 metres (16.4 feet) from the rear yard. The shed does not require any variances from the applicable zoning provisions.

The application indicates that septic installers have advised that the only practical location for the septic bed would be the southeast corner of the lot, as close as possible to the base of the rock wall, with a sand layer running from there down the slope towards the lake. Locating the leaching bed near the southwest corner was deemed unacceptable by the installers due to the requirement of a simple driveway to the shed which would compress the leaching bed. The septic system is proposed on the southeast corner of the lot.

Agency and Public Comments

Public Services – The property is on a private lane and therefore, Public Services was not circulated.

KFL&A Public Health – Comments received from KFL&A Public Health on September 9, 2020, indicate that they have no objections to the proposed minor variance.

Cataraqui Conservation – Comments dated August 31, 2020, received from Cataraqui Conservation indicated that staff had no objection to the approval of application MV-29-20-L based on their consideration for natural hazard, natural heritage and water quality policies.

Revised comments dated October 1, 2020, were received from Cataraqui Conservation regarding lot coverage concerns and indicated that staff propose that the size of the deck be reduced to 12 metre^2 (6mx2m) which would reduce the total footprint to 87.92 metre^2 or 5.8% lot coverage.

Public Comments – At the time of the writing of this report, nine written comments have been received from the public. Six public comments expressed concerns about tree loss, ecosystem sensitivity, protection of the environment and the shoreline, fairness to the neighbours' cottages and relative to the character of the neighbourhood, and the integrity of the private road. Most are of the opinion that the variance is not minor and have objections based on their opinion that the proposal is an overbuild. Three public comment supports the variance application and expressed confidence that the re-building will benefit the environment and the neighbourhood.

Planning Analysis Summary

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:

1. Does the application maintain the general intent and purpose of the Official Plan?

- The subject lands are designated 'Rural' in the Official Plan on Schedule A. The type and amount of development on 'Rural' lands must maintain the rural character, natural heritage, and cultural landscape in the Township. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, and development within environmentally sensitive areas. The proposed minor variance maintains the general intent and purpose of the Official Plan as the proposed development is consistent with the permitted residential use of the property, and the character of the Otter Point Lane. The proposed location of the dwelling is the farthest from the highwater mark of Otter Lake.

2. Does the application maintain the general intent and purpose of the Zoning By-law?

   Section 5.8.2 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the highwater mark of a waterbody. Section 10.3.1 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development including lot coverage and setbacks from the highwater mark.

- The variances maintain the general intent and purpose of the Zoning By-law, with the exception of lot coverage and highwater mark setbacks. The proposed seasonal dwelling is a permitted use on the property and due to site constraints and the need for a proper septic system located as far back from the lake as possible, the proposed dwelling and attached deck are located as far away from the highwater mark as possible. The increase in lot coverage is reasonable for the proposed development.

3. Is the application desirable for the appropriate development of the land, building or structure in question?

- The variances are desirable for the appropriate development of the land, as the proposed dwelling and attached deck are consistent with the intended residential use of the property. The proposal represents an improvement of an existing condition since development will be further back from the waterfront than existing development.

4. Is the application minor?

- The variances are minor, as the proposed dwelling and attached deck site is a reasonable location for its purpose, and there will be no disturbance to the shoreline as a result of the development. There will be no negative impact on surrounding properties as the result of constructing a proposed principal dwelling and attached deck at the proposed location.

Recommendation

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-29-20-L, subject to conditions.

Recommended Conditions

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

1. The Minor variance is for a 76 metres^2 (816 feet^2) dwelling, setback 20.5 meters (67 feet) from the highwater mark, with an 10.3 metres^2 (112feet^2) attached deck located 19.8 metres (65 feet) from the high water mark of Otter Lake, as per the revised drawings submitted with MV-29-20-L.

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 and environmental standards of the Township prior to the issuance of a building permit.

3. 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.

4. Minor variance MV-29-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

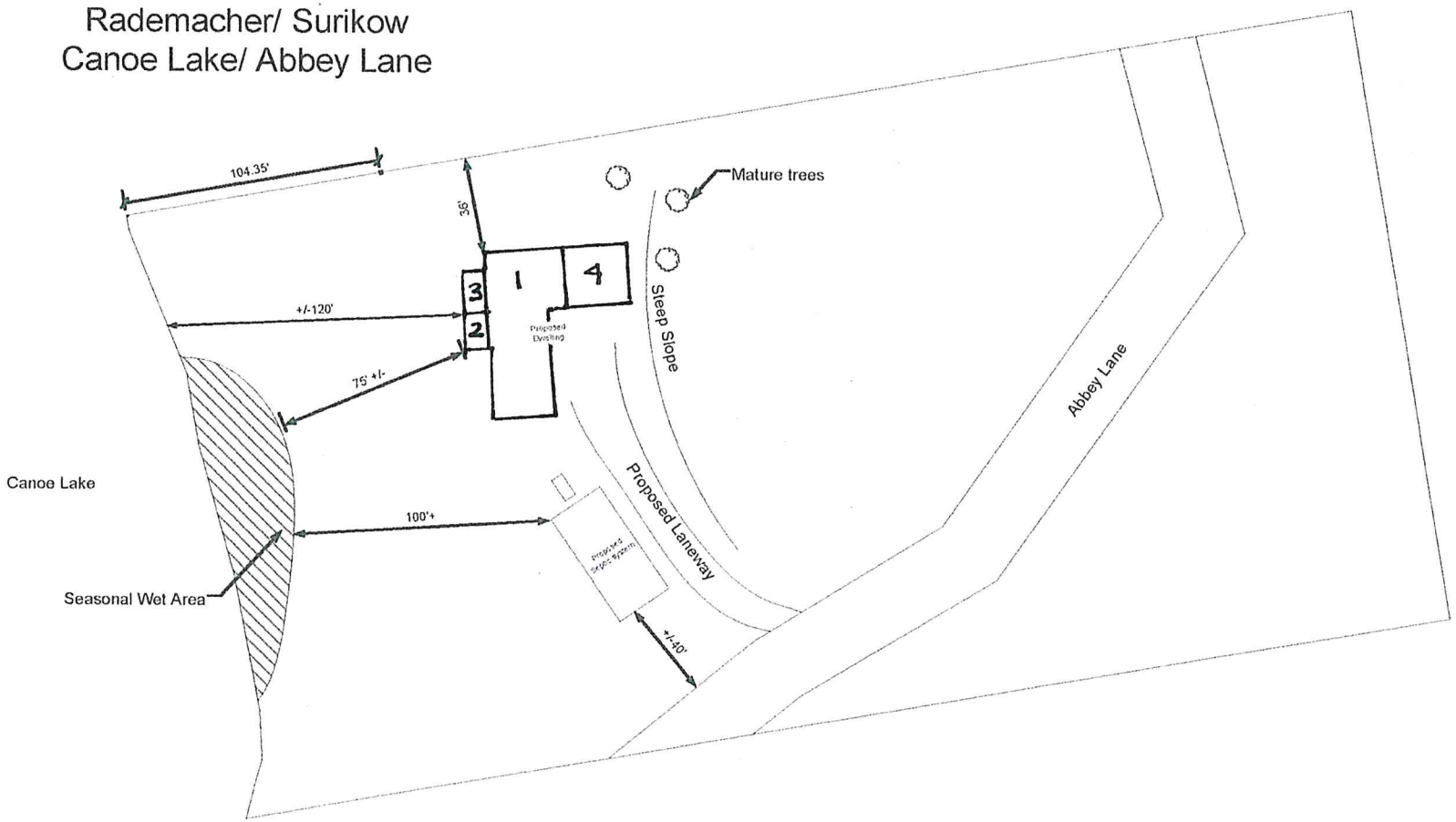
Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: July 28, 2020

Attachments: Map of the Dunn property

1- PRINCIPAL DWELLING
2- SUNROOM
3- DECK
4- ATTACHED GARAGE

Site Plan
Rademacher/ Surikow
Canoe Lake/ Abbey Lane



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

Date Received: _____ File No: _____

1. Name of Owner(s): Paul Andrew Rademacher & Sheila Lynne Surikow

   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: Ethan Gurr

   Full Mailing Address of Authorized Agent: [redacted]

   Phone number of Authorized Agent: [redacted]

   Email Address of Authorized Agent: [redacted]

   Agent as named above is hereby authorized to act on behalf of the owners for purposes of [redacted]

3. The description of the subject land:

   District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

   Concession Number: Con 6 Lot Number: Pt. Lot 7

   Street Number: n/a Name of Road/Street: Abbey Lane

   Reference Plan Number: 13R13974 Part Number(s): 3, 4, 5

   Roll Number: 102901005013610

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

Frontage (on water): 76.2m/250ft Frontage (on road/lane): 114.5m/375.5ft

Depth: 152.4/500ft Area: 11,612.88sq.m./125,000.00sq.ft.

5. The current zoning of the subject land:

RLSW

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

Reduction of set back from highwater mark from 30m/98.4ft to 22.86m/75ft

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

Please see attached

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

Name of Road/Lane:

Abbey 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?

Vacant recreational land

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

☐ Yes ☑ No

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

It is the property owners desire to construct a single-family recreational residence on this property which results in the least amount of disruption to existing topography, drainage characteristics and tree cover. The proposed residence will employ a slab-on-grade floor/foundation, with no excavation for a basement/lower level. The property owner wishes to avoid any blasting or the removal of any large sub surface rocks. All storm water will be directed to French drains and swales to maximize natural absorption and minimize any possible surface runoff into Canoe Lake.

Relief from the Zoning Bylaw governing the setback requirement from the highwater mark is requested (30m/98.4 ft to 22.86m/75 ft). The proposed use cannot comply because of the irregular shoreline caused by seasonal flooding and the presence of aggressive topography to the rear of the property. Also present at the rear of the property are a significant number of mature beech and oak trees exceeding 2 meters in diameter. It is the property owners wish to preserve as many of these trees as possible.

It is the property owners desire to place the proposed residence on the most natural footprint possible, preserving the existing topography and drainage characteristics while minimizing the removal of tree cover.

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

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

13. The proposed uses of the subject land:

Recreational

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

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

Type of Structure (E.g. residence)	**(1)** Principle Dwelling	**(2)** Sunroom	**(3)** Deck	**(4)** Attached Garage
Setback from Front Lot Line	39.62 m 130ft 0in	36.56 m 120ft 0in	37.18 m 122ft 0in	50.59 m 166ft 0in
Setback from Rear Lot Line	101.49 m 333 ft	111.25 m 365 ft	110.64 m 363 ft	92.96 m 305 ft
Setback from Side Lot Line	10.97 m 36 ft	17.37 m 57 ft	12.80 m 42 ft	12.19 40 ft
Height of Building (Also indicate if it is one story or two story)	Partial Coverage Two Story 8.53 m 28 ft			
Outside Dimensions of Building/Structure	20.72 m 68ft 0in x 6.63in 21ft 9in	5.28 m 17ft 4in x 3.30 m 10ft 10in	4.57 m 15ft 0in x 3.21 m 10ft 6in	8.76 m 28ft 8in x 7.52 m 24ft 8in
Setback from High Water Mark (If applicable)	25.91 85 ft	22.86 m 75 ft	23.46 m 77 ft	36.27 m 119 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:

_____

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

If yes, please provide details:

n/a

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:

March 31st 2020

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

n/a

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

n/a

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

Private well (to be drilled)

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

Private septic system (to be installed)

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

French drains, swales, ditches, underground big 'O' with sock

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

☐ Yes ☑ No

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

n/a

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

☐ Yes ☑ No

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

n/a

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

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

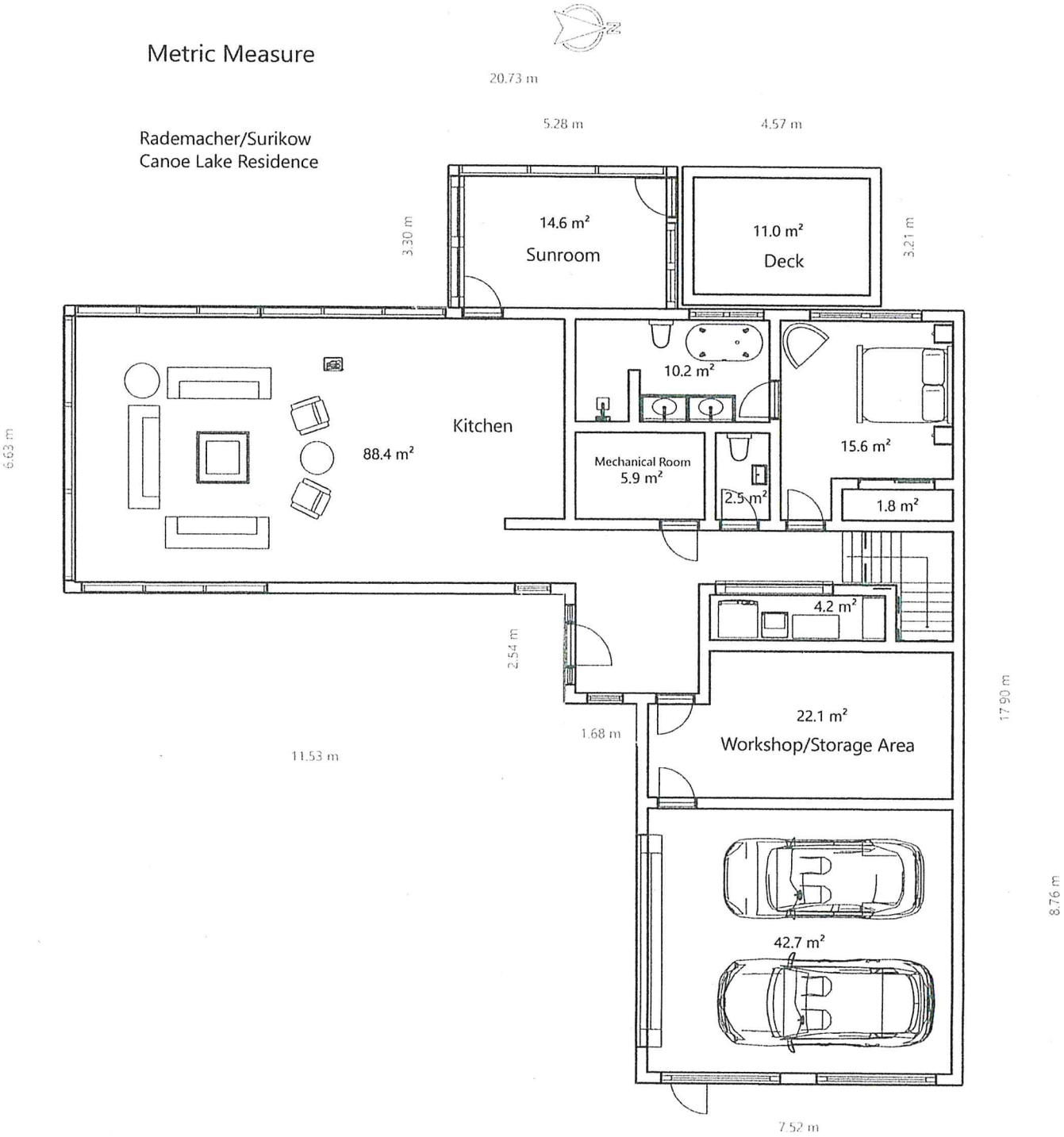
iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

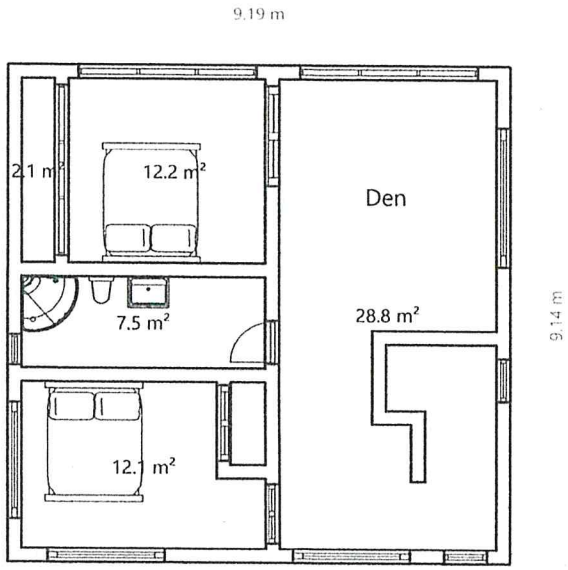
Metric Measure

Rademacher/Surikow
Canoe Lake Residence



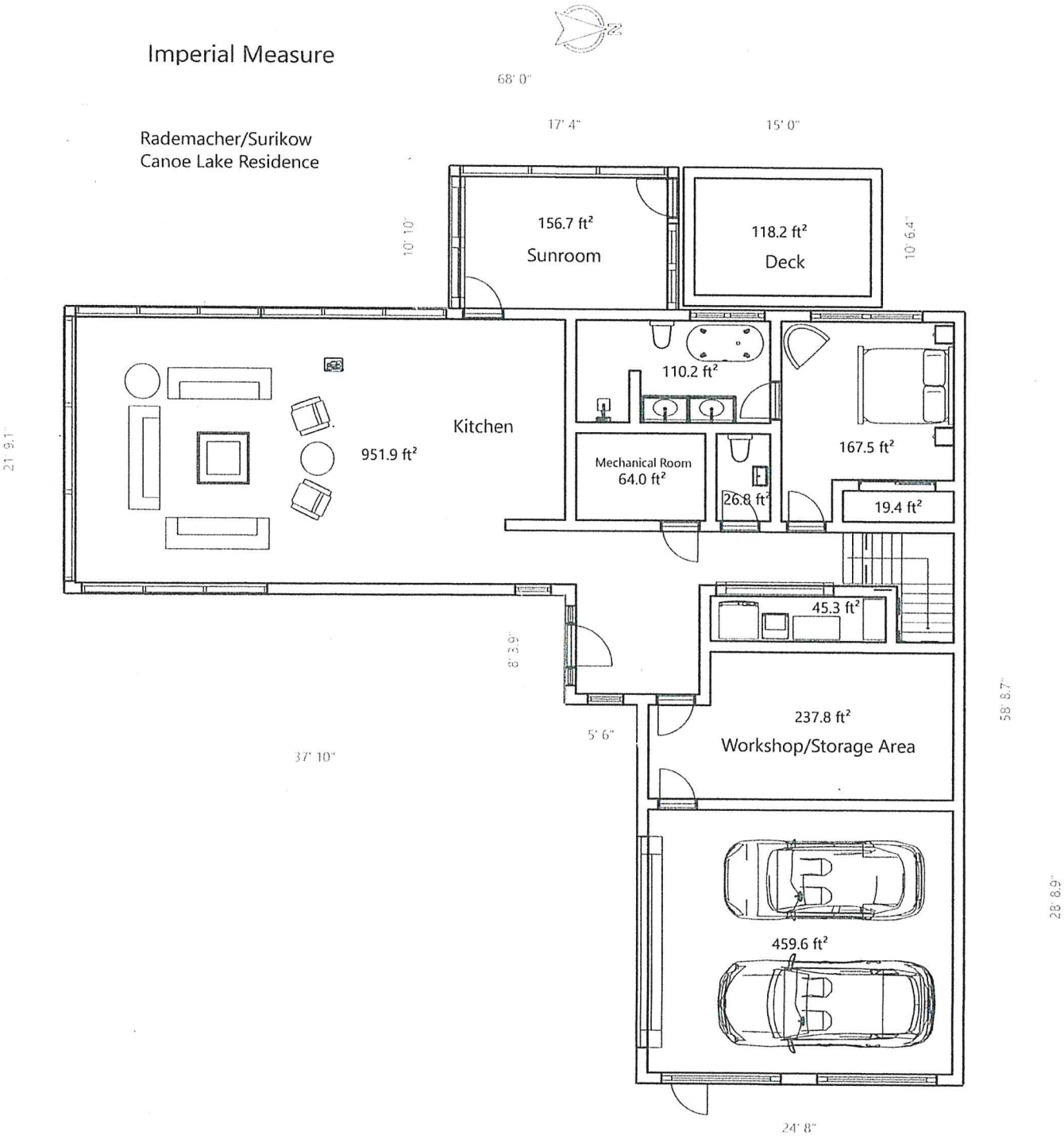
Metric Measure

Rademacher/Surikow
Canoe Lake Residence



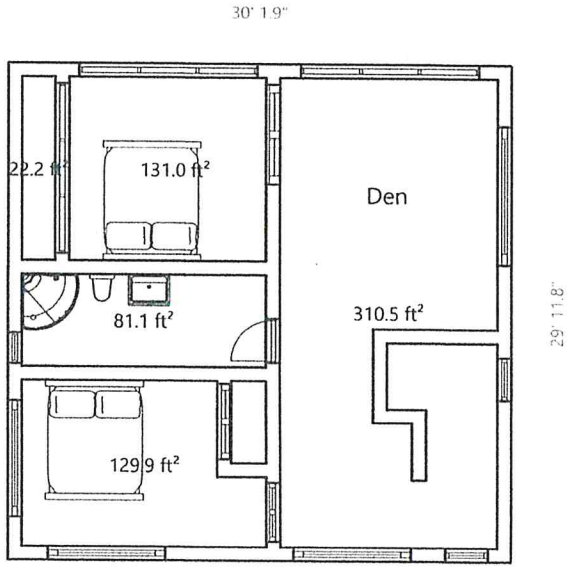
Imperial Measure

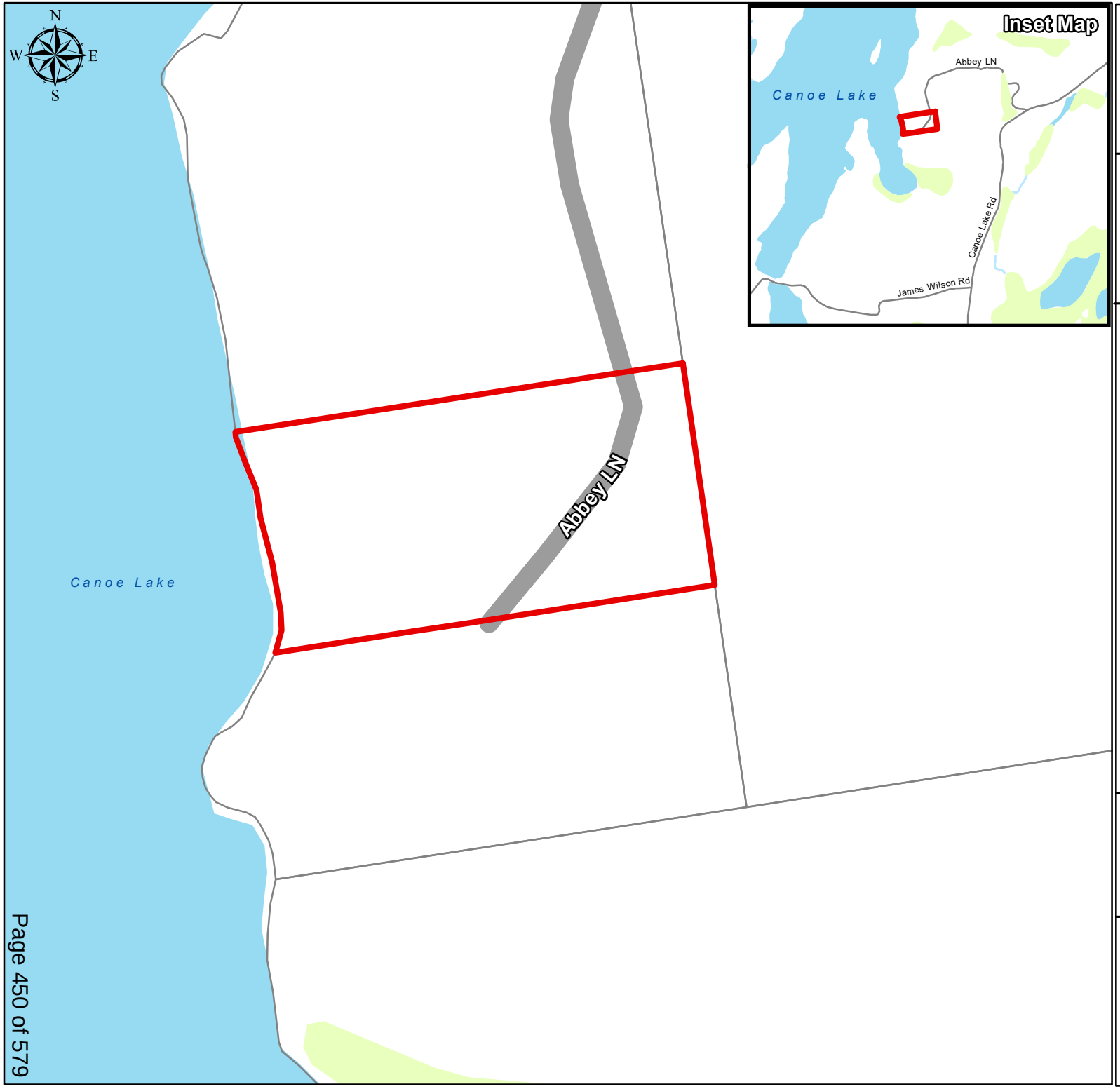
Rademacher/Surikow
Canoe Lake Residence



Imperial Measure

Rademacher/Surikow
Canoe Lake Residence





MV-32-20-B (Rademacher) (Gurr)

ABBEY LANE

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

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

Scale 1:1,800

0 5 10 20 30 40

Meters

UTM Projection NAD 83

Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

For use by Principal Authority

Application number: BE- 19- 20	Permit number (if different):
Date received: 12- Aug- 20	Roll number: 5- 51- 20

Application submitted to: KFLA Public Health
(Name of municipality, upper-tier municipality, board of health or conservation authority)

A. Project information

Building number, street name	Unit number	Lot/con.
0 Abbey Lane		Con 6 Pt Lot 7 Part 3,4,5

Municipality	Postal code	Plan number/other description
South Frontenac- Bedford		13R13974

Project value est. $	Area of work (m^2)

B. Purpose of application

☑ New construction ☐ Addition to an existing building ☐ Alteration/repair ☐ Demolition ☐ Conditional Permit

Proposed use of building	Current use of building
Class 4 sewage system	

Description of proposed work
Install Class 4 sewage system

C. Applicant Applicant is: ☐ Owner or ☑ Authorized agent of owner

Last name	First name	Corporation or partnership	
Gurr	Ethan	Gurr Building Services Inc	
Street address		Unit number	Lot/con.
4737 Wilmer Road			
Municipality	Postal code	Province	E-mail
South Frontenac	K0H2L0	ON	ethan@rideau.net
Telephone number	Fax		Cell number
613-214-0417			

D. Owner (if different from applicant)

Last name	First name	Corporation or partnership	
Rademacher	Paul		
Street address		Unit number	Lot/con.
2191 Dunford Rd.,			
Municipality	Postal code	Province	E-mail
Douro- Dummer	K0L 2H0	ON	getaholdofpaul@gmail.com
Telephone number	Fax		Cell number
705-652-6978			

BE-19-20

E. Builder (optional)

Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number

F. Tarion Warranty Corporation (Ontario New Home Warranty Program)

i. Is proposed construction for a new home as defined in the *Ontario New Home Warranties Plan Act*? If no, go to section G.	☐ Yes	☑ No
ii. Is registration required under the *Ontario New Home Warranties Plan Act*?	☐ Yes	☑ No

iii. If yes to (ii) provide registration number(s): _____

G. Required Schedules

i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.

ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.

H. Completeness and compliance with applicable law

i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted).	☑ Yes	☐ No
Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the *Building Code Act, 1992*, to be paid when the application is made.	☑ Yes	☐ No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the *Building Code Act, 1992*.	☑ Yes	☐ No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the *Building Code Act, 1992* which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.	☑ Yes	☐ No
iv) The proposed building, construction or demolition will not contravene any applicable law.	☑ Yes	☐ No

I. Declaration of applicant

I Ethan Gurr declare that:
(print name)

1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

2020-08-09
Date

Signature of applicant

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

BE-19-20

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information

Building number, street name		Unit no.	Lot/con.
0 Abbey Lane			Con6 Pt Lot 7 part 3,4,5
Municipality	**Postal code**	**Plan number/ other description**	
South Frontenac- Bedford		13R13974	

B. Individual who reviews and takes responsibility for design activities

Name		Firm	
Ethan Gurr		Gurr Building Services Inc.	
Street address		**Unit no.**	**Lot/con.**
4737 Wilmer ROad			
Municipality	**Postal code**	**Province**	**E-mail**
South Frontenac	K0H2L0	ON	ethan@rideau.net
Telephone number	**Fax number**		**Cell number**
613-214-0417			

C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1. of Division C]

☐ House	☐ HVAC – House	☐ Building Structural
☐ Small Buildings	☐ Building Services	☐ Plumbing – House
☐ Large Buildings	☐ Detection, Lighting and Power	☐ Plumbing – All Buildings
☐ Complex Buildings	☐ Fire Protection	☑ On-site Sewage Systems

Description of designer's work: Design class 4 sewage system

D. Declaration of Designer

I Ethan Gurr declare that (choose one as appropriate):

(print name)

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4.of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual BCIN: 113724

Firm BCIN: 114271

I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5.of Division C, of the Building Code.

Individual BCIN: _____

Basis for exemption from registration: _____

The design work is exempt from the registration and qualification requirements of the Building Code.

Basis for exemption from registration and qualification: _____

I certify that:

1. The information contained in this schedule is true to the best of my knowledge.
2. I have submitted this application with the knowledge and consent of the firm.

2020-08-09 _____

Date Signature of Designer

NOTE:

1. For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.4.7(1) (c).of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
2. Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practice, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or a certificate of authorization, issued by the Association of Professional Engineers of Ontario.

BE-19-20

Schedule 2: Sewage System Installer Information

A. Project Information

Building number, street name		Unit number	Lot/con.
0 Abbey Lane			Con 6 pt lot 7 part 3,4,5
Municipality	**Postal code**	**Plan number/ other description**	
South Frontenac		13R13974	

B. Sewage system installer

Is the installer of the sewage system engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems, in accordance with Building Code Article 3.3.1.1, Division C?

- [x] Yes (Continue to Section C)
- [ ] No (Continue to Section E)
- [ ] Installer unknown at time of application (Continue to Section E)

C. Registered installer information (where answer to B is "Yes")

Name			BCIN
Gurr Building Services Inc			114271
Street address			**Unit number** / **Lot/con.**
4737 Wilmer Road			
Municipality	**Postal code**	**Province**	**E-mail**
South Frontenac	K0H2L0	ON	ethan@rideau.net
Telephone number	**Fax**		**Cell number**
613-214-0417			

D. Qualified supervisor information (where answer to section B is "Yes")

Name of qualified supervisor(s)	Building Code Identification Number (BCIN)
Ethan Gurr	113724

E. Declaration of Applicant:

I Ethan Gurr declare that:
(print name)

I am the applicant for the permit to construct the sewage system. If the installer is unknown at time of application, I shall submit a new Schedule 2 prior to construction when the installer is known;

OR

I am the holder of the permit to construct the sewage system, and am submitting a new Schedule 2, now that the installer is known.

I certify that:

1. The information contained in this schedule is true to the best of my knowledge.
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

2020-08-09
Date

Signature of applicant

BE-19-20

Directions to building site	Map
Canoe Lake Road to Abbey Lane. Seond lot from end of lane	

Soils Certification

I, Ethan Gurr (Licensed Installer under Section 3.3 of the Building Code Act), verify that the material used in the construction of the sewage system, under the permit herein, meets the requirements of the Ontario Building Code, the percolation rate identified on the permit and the soils analysis submitted to KFL&A Public Health from:

Meyers Pit
(Name of pit)

Note: *Leaching bed fill* means soil used for the construction of conventional and chamber leaching beds, filter beds, dispersal beds, and area beds as prescribed under specific Building Materials Evaluation Commission authorizations. It may not include a requirement for other soils as prescribed by treatment unit manufacturers; check with the manufacturer before installation. The silt content of leaching bed fill must be included in the analysis.

KFL&A Public Health may require you to submit soil samples for analysis.

Licensed installer's signature

2020-08-09
Date

Owner Authorization

I/we, Paul Rademacher, being the legal owner(s) of the property described as Lot 7, Concession 6, Parts(s)/Sublot(s) 3,4,5 of Registered Plan of Survey/Subdivision 13R13974, in the Municipality of South Frontenac-Bedford, located at Civic Address 0 Abbey Lane, certify that Ethan Gurr is authorized to submit an Application to Construct or Demolish to KFL&A Public Health for the purposes of installing a sewage system in accordance with Ontario Regulation 332/12, and to act as my/our representative for any associated site inspections.

I/we certify that all information and material provided for the purpose of this application is accurate.

Signature of legal owner(s):

~~**NOTE: This approval expires 12 months after the date of issue.**~~

BE-19-20

Sewage System Calculation Page

1. Daily design sewage flow (DDSF) (Q)

See Table 1 – DDSF values for bedrooms 1600 (litres per day) **(A)**

Total floor area 200 (metres^2)

For every 10 metres^2 or part thereof over 200 metres^2, up to 400 metres^2 _____ x 100 = _____ (litres per day)

For every 10 metres^2 or part thereof over 400 metres^2, up to 600 metres^2 _____ x 75 = _____ (litres per day)

For every 10 metres^2 or part thereof over 600 metres^2 _____ x 50 = _____ (litres per day)

Total DDSF for floor area 0 (litres per day) **(B)**

See Table 2 - Total fixture units 17.5

Each fixture unit over 20 0 x 50 = 0 (litres per day) **(C)**

DDSF (Q) = 0 **(A) +** 0 **(larger of (B) or (C)) =** 0 (litres per day) **(Q)**

2. Leaching bed size (metres)

Conventional - Total length of distribution pipe **(L) = (Q x T) ÷ 200**

Treatment systems or chambers - Total length of distribution pipe **(L) = (Q x T) ÷ 300**

Total length of distribution pipe (L) = (_____ **(Q)** x _____ **(T))** Percolation time of native or imported soil ÷ **(200 or 300)** = _____ (metres)

3. Filter bed loading area (metres^2)

If Q ≤ 3000 litres per day, use Q ÷ 75

If Q > 3000 litres per day, use Q ÷ 50

Level II-IV treatment unit only, use Q ÷ 100

Loading area = 1600 **(Q) ÷** 75 **(75, 50 or 100) =** 21.34 (metres^2)

4. Filter bed contact area (metres^2)

Contact area = (Q x T) ÷ 850

Contact area = (1600 **(Q)** x 35 **(T)) ÷ 850 =** 65.88 (metres^2)

Use T of native soil; if contact area < loading area, use loading area for both values

5. Shallow buried trenches (metres)

See Table 4 - Shallow buried trench length

(L) = _____ **(Q) ÷** _____ **(75, 50 or 30) =** _____ metres

6. Type A dispersal bed (metres^2)

Stone layer

If Q ≤ 3000 litres per day, use **Q ÷ 75**

If Q > 3000 litres per day, use **Q ÷ 50**

Stone layer = _____ **(Q) ÷** _____ **(75 or 50) =** _____ (metres^2)

Sand layer

If T is between 1 and 15 use **(Q x T) ÷ 850**

If T is greater than 15 use **(Q x T) ÷ 400**

Sand layer = (_____ **(Q)** x _____ **(T)) ÷ (850 or 400) =** _____ (metres^2)

Use T of native soil; if sand layer area < stone layer area, use stone layer area for both values

7. Type B dispersal bed (metres^2)

Area = (Q x T) ÷ 400

Area = (**(Q)** _____ x _____ **(T)) ÷ 400 =** _____ (metres^2)

Linear loading rate

If T < 24 minutes, use 50 litres per minute

If T ≥ 24 minutes, use 40 litres per minute

Pump chamber capacity (Q) = _____ (litres)

Table 1 – DDSF values for bedrooms
(Ontario Building Code, Division B, Part 8, Table 8.2.1.3.A)

Bedrooms	Litres per day	Bedrooms	Litres per day
1	750	4	2000
2	1100	5	2500
3	1600	Per bedroom over 5	500

Table 2 – Fixture units
(Ontario Building Code, Division B, Part 7, Table 7.4.9.3)

	Number of units		Total
Bathroom group (3 to 4 piece bathroom)	2	x 6.0 =	12.0
Bathtub (with or without shower)	____	x 1.5 =	____
Toilet	____	x 4.0 =	____
Clothes washer	1	x 1.5 =	1.5
Dishwasher	1	x 1.0 =	1.0
Laundry tubs	1	x 1.5 =	1.5
Shower drain	____	x 1.5 =	____
Sinks	1	x 1.5 =	1.5
Other	____	x . =	____
		Total =	17.5

Table 3 – Loading rates for fill based absorption trenches and filter beds
(Ontario Building Code, Division B, Part 8, Table 8.7.4.1)

Percolation time (T) of soil (minutes)	Loading rates (litres per metres^2) per day
1 < T ≤ 20	10
20 < T ≤ 35	8
35 < T ≤ 50	6
T > 50	4

Table 4 – Shallow buried trench length
(Ontario Building Code, Division B, Part 8, Table 8.7.3.1)

Percolation time (T) of soil (minutes)	Length of distribution pipe (metres)
1 < T ≤ 20	Q ÷ 75 metres
20 < T ≤ 50	Q ÷ 50 metres
50 < T < 125	Q ÷ 30 metres

~~**NOTE: This approval expires 12 months after the date of issue.**~~

2016-05-31

Sewage System Specifications Page

OFFICE USE ONLY	
Name RADEMACHER, P.	Application number BE-19-20
Fee number 5-51-20	Date Submitted 12-Aug-20
Renewal date	Fee amount 950.00 Visa Online
	Date entered 12-Aug-20

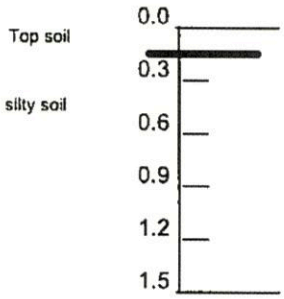
Structure ☑ New ☐ Existing ☑ Residential ☐ Commercial
If the sewage system is non-residential, attach a separate copy of the specifications and plans.

Number of bedrooms	Number of fixture units	Total finished area	Daily design sewage flow (Q)	Septic tank capacity (2 x Q)
3	17.5	200 (metres²) ☐ Including walkout basement	1600 (litres per day) Account for backwash water from any water treatment unit (i.e. water softener)	3600 (litres) (minimum of 3600 litres)

Water supply ☑ Proposed ☐ Existing ☑ Drilled Well ☐ Dug, bored, or blasted well ☐ Municipal ☐ Surface water
Casing depth ____ (metres) ☐ Sandpoint or drivepoint ☐ Cistern ☐ Shore well

Soils
Indicate soil types (sand, silt, clay), bedrock, and the high ground water table below.

Test Pit (metres)



Estimated percolation rate of native soil	Tested percolation rate of imported soil
T = 35 (minutes per centimeter)	T = 7 (minutes per centimeter)

Method of subsurface detection
☑ Magnetic
☐ Tracer wire (14 gauge plastic coated)
☐ Other ____

Holding tank capacity (7 x Q)
(Class 5 only)
(minimum of 9000 litres)

____ (litres)

Class 4 sewage system type
☐ Conventional leaching bed
☐ Chamber system leaching bed
☑ Filter media bed
☐ Building Materials Evaluation Committee area bed
☐ Shallow buried trenches*
☐ Type A dispersal bed*
☐ Type B dispersal bed*

* These sewage systems **require** a Level IV treatment unit certified to the CAN/BNQ 3680-600 standard, or a treatment unit described in Supplementary Standard SB-5.

Treatment unit
☐ Level II ☐ Level III ☐ Level IV
☐ Service agreement provided
Manufacturer ____
Model ____
☐ Building Materials Evaluation Committee authorization provided

Conventional leaching bed
(minimum 40 metres)
Total distribution pipe ____ (metres)
Mantle required ☐ Pump required

Chamber system leaching bed
(minimum 40 metres)
Total chamber length ____ (metres)
Manufacturer ____
Model ____
Number of pieces ____
☐ Mantle required ☐ Pump required

Filter media bed
Loading area 21.34 (metres²)
Contact area 65.88 (metres²)
Total distribution pipe 24 (metres)
☑ Mantle required ☐ Pump required

Shallow buried trenches
(minimum 30 metres)
Total trench length ____ (metres)

Building Materials Evaluation Committee area or type A dispersal bed
Stone layer area ____ (metres²) Sand layer area ____ (metres²) ☐ Mantle required

Type B dispersal bed Stone layer area ____ (metres²) Linear loading rate ☐ 50 litres per metre ☐ 40 litres per metre
Pump chamber capacity ____ (litres)

Loading rate (from Table 3) = 1600 (Q) ÷ 8 (litres per metres² per day) = 200 area (metres²)

Recommendations or conditions (for office use only)
1. Ensure Compliance with the Ontario Building Code.

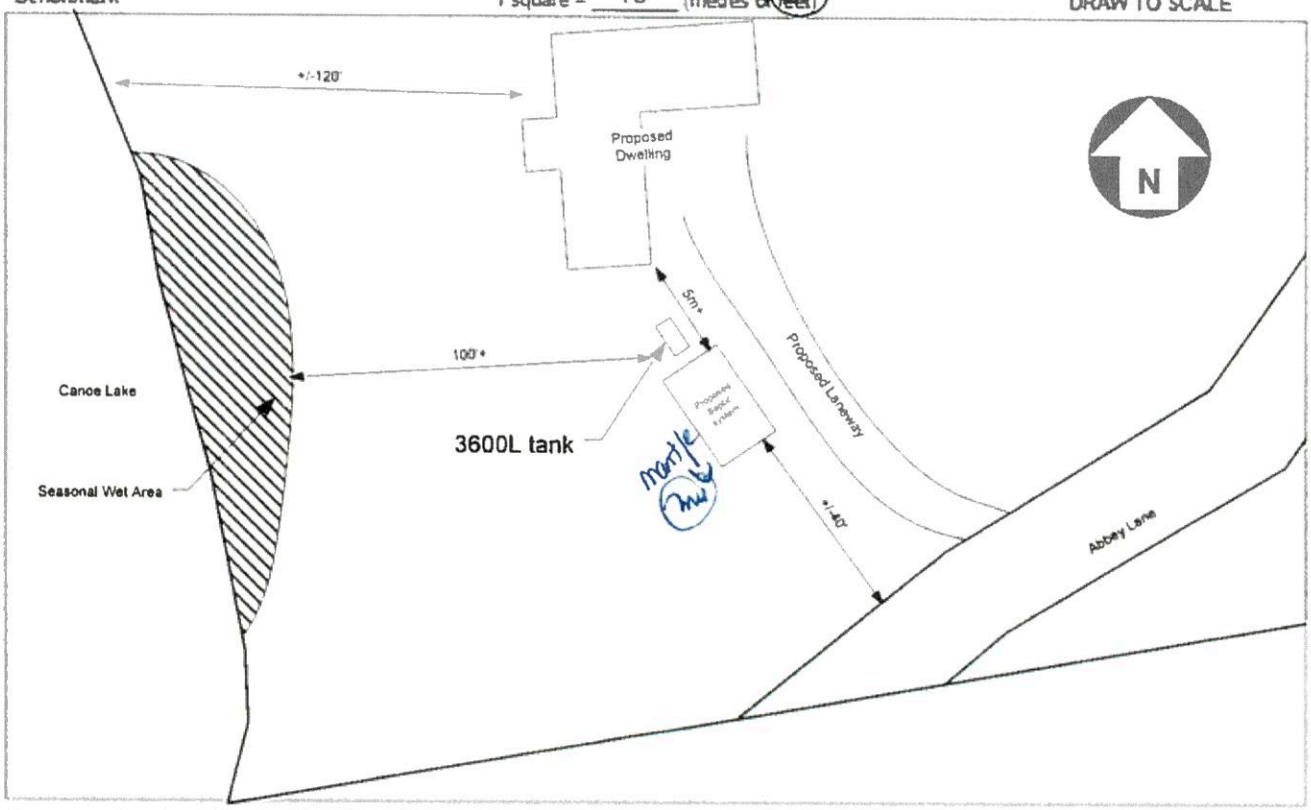
~~NOTE: This approval expires 12 months after the date of issue.~~
2016-05-31

Office Use Only	
Application number	BE- 19-20
Name	RADEMACHER, Paul

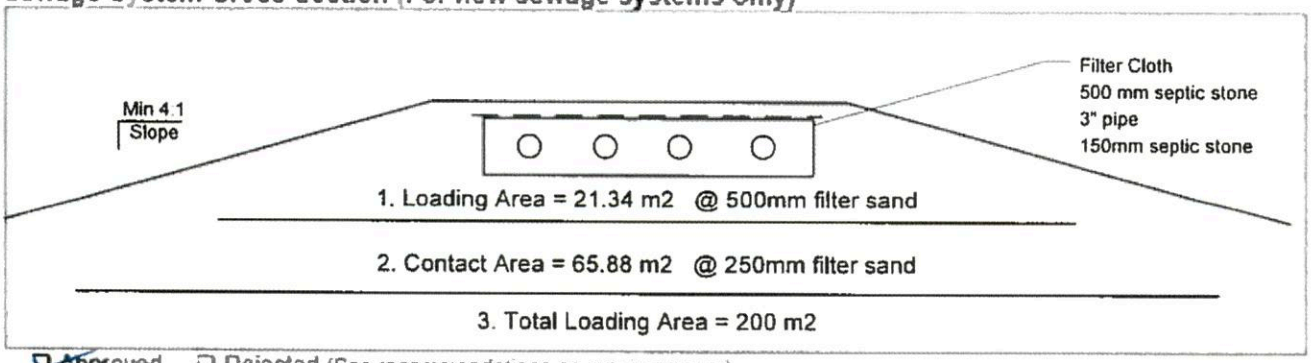
Sewage System Plans Page

Lot diagram and sewage system plan (drawing must be accurate, to scale, indicate north point and show the following):
(a) Location of sewage system components (e.g. tank(s), leaching bed(s), etc) Locate and show horizontal distances from system to adjacent existing or proposed buildings, water supplies (including neighbours), existing on-site systems, driveways, property lines, lakes, rivers, springs, water courses, swimming pools
(b) Lot dimensions topographic features (e.g., swamps, steep slopes) near system.

Benchmark 1 square = 10 (metres or feet) DRAW TO SCALE



Sewage System Cross Section (For new sewage systems only)



☑ Approved ☐ Rejected (See recommendations on previous page)

Inspector: _____ Date Aug 25/2020

Chief Building Official: _____ Date 2020-08-27

Permit to install a Class 2, 3, 4, 5 Sewage System under section 8-(1) (2) of the Building Code Act, S.O. 1992, C.23. This permit is issued to the owner to construct, install, alter, extend, enlarge or continue to use a Class 4 sewage system. Any person who is not issued a permit may apply to the Building Code Commission for any issues involving the Building Code or Compliance to the Code.

~~NOTE: This approval expires 12 months after the date of issue.~~

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-32-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Rademacher, Paul and Surikow, Sheila
Location:	Part Lot 7, Concession 6, Bedford Abbey Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the proposed minor variance as the owners have submitted an application under permit number BE-19-20.
Inspector:	Joanne McGurn, CPHI(C), Public Health Inspector
Date:	September 24, 2020

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.

October 6, 2020 File:MV/FRS/190/2020

Sent by E-mail

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

Dear Ms. Geladi:

Re: Application for Minor Variance MV-32-20-B (Rademacher / Gurr)
Part Lot 7, Concession 6; Abbey Lane
Roll No. 102901005013610
Bedford District, Township of South Frontenac
Waterbody: Canoe Lake

Cataraqui Conservation staff 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 October 5, 2020.

Summary of the Proposal

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

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 22.86 metres (75 feet) in order to permit the construction of a dwelling.

Site Description

The property is located on eastern shore of Canoe Lake. The topography of the property can be described as rising very slowly at the shoreline and then continually rising in an easterly direction toward Abbey Lane. The land rises more steeply as it gets closer to Abbey Lane. Currently, the property is vacant.

The property is designated 'Rural' in the Official Plan and zoned 'Limited Services Residential – Waterfront' (RLSW) in the implementing Zoning By-law. Canoe Lake has been designated as a moderately sensitive Lake Trout lake and is designated 'Environmental Protection' in the Official Plan.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Canoe Lake, and the protection of the water quality of the lake.

Natural Hazards

Flooding: The maximum recorded water level for Canoe Lake is 142.23 metres geodetic. For Canoe Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of the setback from the regulatory flood plain.

Erosion: Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till shorelines of 3(h):1(v), plus an erosion access allowance of 6 metres. Based on an estimated 1.0 metre high slope, the total erosion hazard allowance is anticipated to be approximately 9 metres measured horizontally inland from the stable toe of slope at the shoreline. Staff note that the proposed development will be located outside of the erosion hazard allowance.

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, Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Similarly, Cataraqui Conservation's Environmental Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody. However, new development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

Based upon site observations, there appears to be sufficient area on the road side of the proposed location for the dwelling to accommodate the 30 metre water setback before encroaching into the steeper slope located near the rear of the property. Therefore, since the lot is not constrained by the steep slope, staff believe that there is a reasonable alternative for locating development outside of the water setback area.

In the opinion of staff, the 30 metre water setback can be achieved for development of this property. Therefore, staff cannot support the application.

Recommendation

Staff recommend denial of application MV-32-20-B based on our consideration for water quality protection policies.

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

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Paul Rademacher, applicant (via e-mail)
Ethan Gurr, applicant's agent (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 6, 2020

Application No: MV-32-20-B
Owners: Paul Rademacher & Sheila Surikow
Location of Property: Part Lot 7, Concession 6, being Part 2, 4 and 5 Canoe Lake, District of Bedford, Township of South Frontenac Abbey Lane
Purpose of Application: To vary section 10.3.1 of Zoning Bylaw 2003-75
Date of Hearing: October 8, 2020

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-32-20-B to provide the applicants time to consider and respond to Cataraqui Conservation comments, and to revise their proposal as may be appropriate.

Proposal

An application for minor variance has been received, to permit a single detached dwelling with attached sunroom, attached deck and attached garage within the required highwater mark setback.

The subject property is located off Abbey Lane, off Canoe Lake Road. The parcel is 2.82 acres (1.14 hectares) and has waterfront on Canoe Lake. The subject property is currently vacant land.

The applicants propose to construct a single detached dwelling 366 metre^2 (3944 feet^2), including a sunroom, deck and garage. The dwelling would be located at least 37 metres (120 feet) from the highwater mark of Canoe Lake and at least 22.9 metres (75 feet) from a seasonally wet area along the shoreline of Canoe Lake..

The application states that the applicants desire to construct a dwelling on the property which results in the least amount of disruption to the existing topography, drainage characteristics and tree cover. It also states the proposed building location aims to avoid any blasting or removal or large subsurface rocks. The proposed dwelling would include a slab-on-grade foundation with no excavation for a basement or lower level. The applicant has indicated that a reduced setback from the highwater mark is necessary due to the irregular shoreline caused by seasonal flooding and aggressive topography and mature beech and oak trees to the rear of the property.

Agency Comments

KFL&A Public Health – KFL&A Public Health provided comments on September 24, 2020, indicating that staff have no objections to the proposed minor variance as the owners have submitted an application under permit number BE-19-20.

Cataraqui Conservation – In a letter dated October 6, 2020, Cataraqui Conservation staff recommended denial of the application. It is the opinion of Cataraqui Conservation staff that the lot is not constrained by the steep slope as suggested in the application, and that there is a reasonable alternative for locating development outside of the 30 metre water setback area.

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: October 1, 2020 and October 5, 2020

Attachment: Map of the Rademacher property

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

Date Received: 28 AUGUST, 2020 File No: _____

1. Name of Owner(s): CHRISTOPHER PAUL

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: 8 Lot Number: 13

Street Number: 2133 Name of Road/Street: EEL BAY Rd

Reference Plan Number: 1540 Part Number(s): _____

Roll Number: 050-040-71711-0000

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

Frontage (on water): 88.3m Frontage (on road/lane): 103.1

Depth: 66.1 m Area: 0.99 A

5. The current zoning of the subject land:

RESIDENTIAL

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

My HOUSE IS 29.8 m FROM THE HIGH WATER MARK. My WOOD DECK PROPOSAL INCLUDING STAIR RUN WOULD DECREASE THIS DISTANCE TO THE HIGH WATER MARK TO 22.9m

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

I AM SEEKING A VARIANCE TO ATTACH A WOOD DECK TO MY HOUSE THAT IS ALREADY LESS THAN 30m TO THE 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:

EEL BAY 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.

—

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

RESIDENCE

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** HOUSE	**(2)** ATTACHED GARAGE	**(3)** L-SHAPED DECK	**(4)**
Setback from Front Lot Line	26.6 m	30.5 m	37.65 m	
Setback from Rear Lot Line	29.87 m	34.87	26.78 m	
Setback from Side Lot Line	10.5m	4.3 m	10.5 m	
Height of Building (Also indicate if it is one story or two story)	ONE STORY 5.3m	ONE STORY 4.8m	FROM GROUND LEVEL SOUTH END 1.4m NORTH END 2.3m	
Dimensions of Floor Area	15.26m X 11.59m	8.83m X 8.94	16.35m X 3.09m + 2.05m X 1.35	
Setback from High Water Mark (If applicable)	29.87m	34.87m	26.78m	

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

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)	L-SHAPED DECK			
Setback from Front Lot Line	37.65 m			
Setback from Rear Lot Line	22.9 TO HIGH WATER MARK			
Setback from Side Lot Line	10.05 m			
Height of Building (Also indicate if it is one story or two story)	FROM GROUND LEVEL NORTH END 2.3 m SOUTH END 1.4 m			
Outside Dimensions of Building/Structure	17.8 m X 4.26 m + 4.16 m X 2.43			
Setback from High Water Mark (If applicable)	22.9 m			

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:

I'm COMPLETELY DEMOLISHING MY EXISTING DECK AS IT IS OLD, ROTTING IN PLACES, POORLY CONSTRUCTED AND NOT TO CODE.

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

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	☒ No
(b)	Increase in plumbing fixtures	☐ Yes	☒ No
(c)	Increase in living space OUTDOOR RECREATION	☒ 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:

FEBRUARY 2011

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

1991

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

29 YEARS

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

PRIVATELY OWNED INDIVIDUAL WELL

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

PRIVATELY OWNED INDIVIDUAL SEPTIC SYSTEM

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

NO STORM DRAINAGE OTHER THAN THE SLOPE OF THE LAND AWAY FROM THE HOUSE AND EAVES TROUGHS

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.

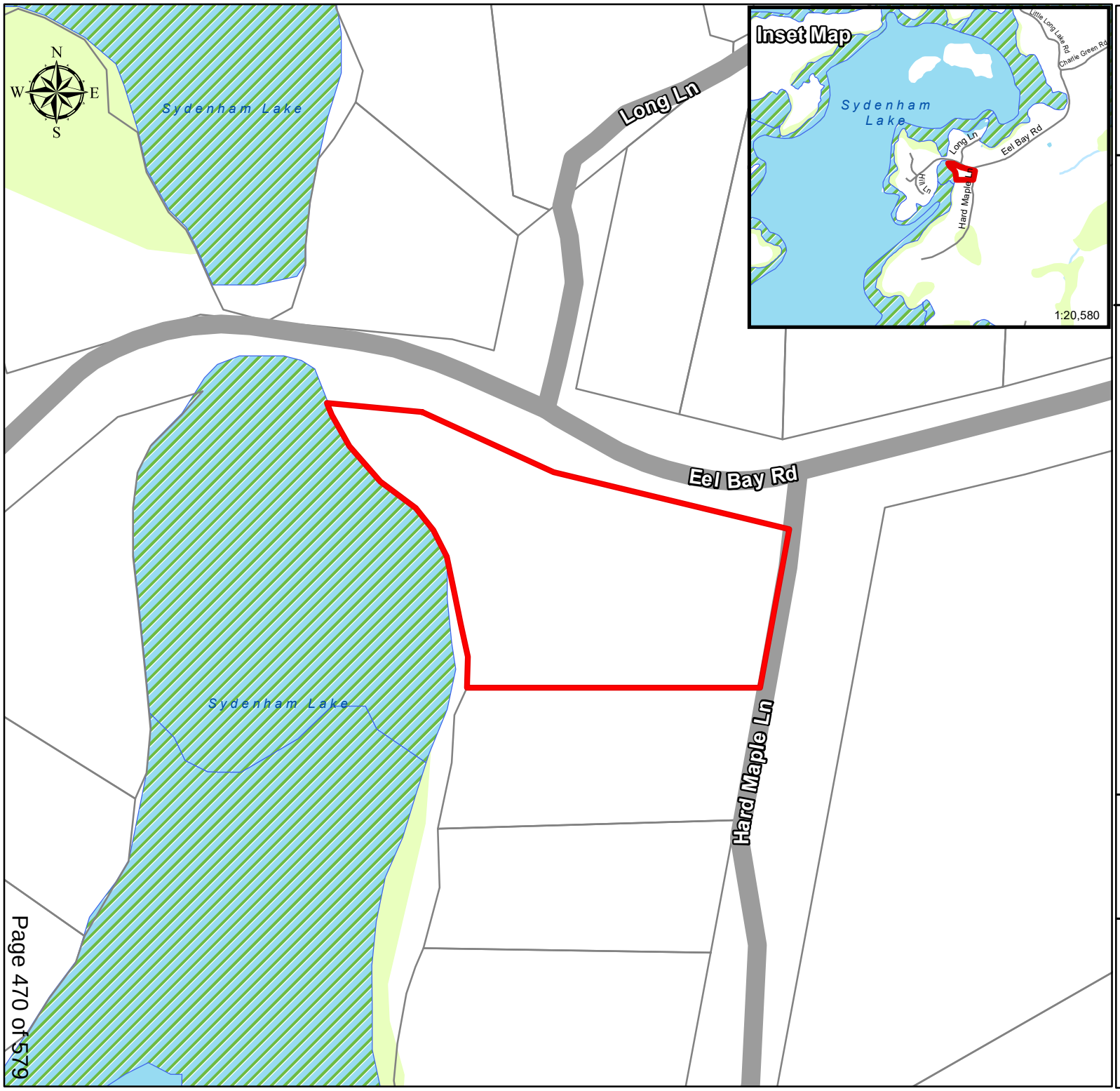
ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

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.



MV-33-20-L (Paul)

2133 EEL BAY RD

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

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

Scale 1:1,200

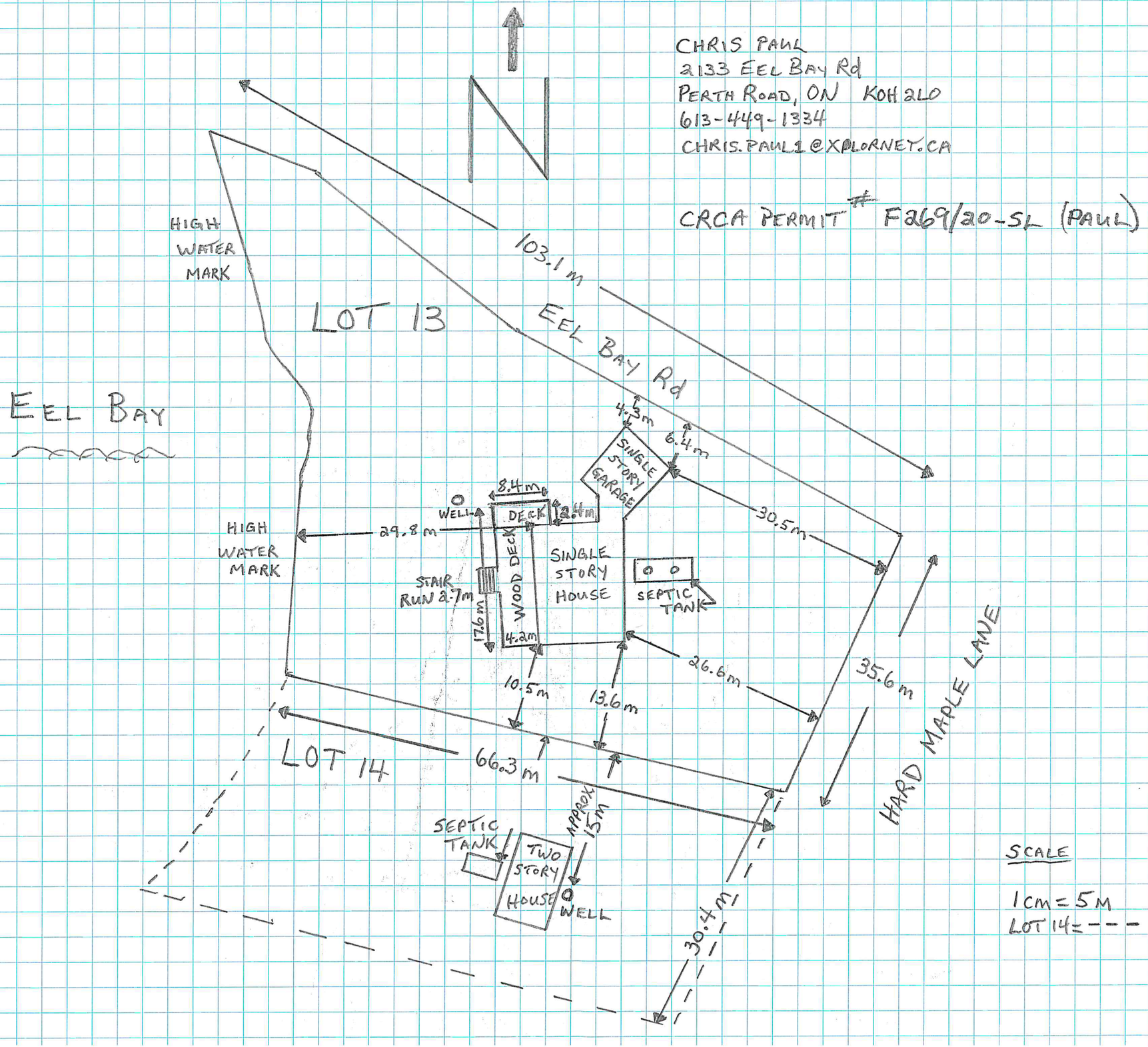
0 3.5 7 14 21 28

Meters

UTM Projection NAD 83

CHRIS PAUL
2133 EEL BAY Rd
PERTH ROAD, ON K0H 2L0
613-449-1334
CHRIS.PAUL1@XPLORNET.CA

CRCA PERMIT # F269/20-SL (PAUL) (PAID)



SCALE

1cm = 5m
LOT 14 = - - -

KFL&A Public Health

REQUESTS FOR COMMENTS

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

To:	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario K0H 2T0
Application Number:	MV-33-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Paul, Christopher
Location:	Plan 1540, Lot 13 2133 Eel Bay Road Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	KFL&A Public Health has no objections to the proposed minor variance.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	September 25, 2020

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.

September 29, 2020 File: MV/FRS/189/2020

Sent by E-mail

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

Dear Ms. Geladi:

Re: Application for Minor Variance MV-33-20-L (Paul)
Part Lot 10, Concession 8; Roll No. 050040717110000
2133 Eel Bay Road, Loughborough District
Township of South Frontenac
Waterbody: Sydenham Lake

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and offer the following comments for the Committee of Adjustment's consideration.

Summary of Proposal

The proposal involves the re-construction of a deck on the subject property. More specifically, the variance is being 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 22.9 metres in order to permit the construction of a deck.

Site Description

The subject property is located on the south side of Eel Bay Road on Sydenham Lake. Lidar elevation mapping indicates that the topography of property can be characterized as being relatively low-lying at the shoreline and rising slowly up to the location of an existing dwelling. The topography then rises up again toward the east.

The property is adjacent to the Eel's Bay provincially significant wetland (PSW).

The property is currently designated 'Rural' in the Official Plan and "Waterfront Residential Zone" (RW) in the implementing Zoning By-law for South Frontenac Township.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards associated with the shoreline of Sydenham Lake (e.g. flooding and erosion), protection of the adjacent provincially significant wetland and the protection of the lake's water quality.

Natural Hazards

Flooding: For Sydenham Lake, the regulatory flood plain has been established as elevation 131.6 metres geodetic. Section 4.1.3 of the Cataraqui Conservation's Environmental Planning Policy (April 2015) recommends a 15 metre horizontal setback from the regulatory flood plain to account for variations in the regulatory flood plain elevation, changes over time in the anticipated extent of the regulatory flood plain, and situations such as debris or ice jams that may affect flood levels. However, for a lot of record with existing development such as this property, a reduction of this allowance to 6 metres can be considered.

In addition, Section 3.3.6 2) of Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (June 2017) suggests that where development is proposed and the elevation of the flood plain is known, buildings and structures must be located a minimum horizontal distance of 6 metres beyond the furthest landward extent of the regulatory flood plain. Staff have concluded that the proposed deck will be located approximately 7 metres beyond the furthest landward extent of the flood plain. It is also our understanding that the deck will be sufficiently raised above the flood plain elevation. Therefore, staff have no concerns with the proposal from a flooding perspective.

Erosion: Cataraqui Conservation's Environmental Planning Policy defines the erosion hazard limit as the sum of an allowance for toe erosion, a stable slope allowance of 3(h):1(v) for till shorelines and a minimum erosion access allowance of 6 metres. Based upon a review of relevant mapping data, staff have concluded that the development will be located outside of the erosion hazard limit.

Natural Heritage

As noted above, this portion of Sydenham Lake has been classified as provincially significant wetland (PSW) by the Ontario Ministry of Natural Resources and Forestry. Section 2.1.8 of the Provincial Policy Statement (PPS, 2020) suggests that development and site alteration should not be considered on adjacent lands to significant wetlands unless the ecological functions of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Additionally, Section 5.2.11 of the Official Plan suggests that when considering development within or adjacent to a provincially significant wetland, an Environmental Impact Assessment (EIA) may be required.

In this instance, the proposed development is replacing existing development no closer to the wetland boundary. Therefore, staff have no concerns with the proposal from a natural heritage perspective.

Water Quality

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

Similar to the Official Plan, Cataraqui Conservation's Environmental Planning Policy considers new development within the 30 metre water setback area only if there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property, and is set back as far as possible from the water in all directions, complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

In this instance, the proposed development is replacing existing development no closer to the wetland boundary. Therefore, staff have no concerns with the proposal from a water quality perspective. To minimize impacts to water quality, staff recommend that the area between the proposed development and the shoreline be maintained in a natural vegetated state.

Recommendation

Staff have no objection to the approval of application MV-33-20-L based upon our consideration for natural hazards, natural heritage and water quality protection policies.

Ontario Regulation 148/06

Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 120 metres of a provincially significant wetland. Therefore, a 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. Staff note that the applicant has already applied for a permit under said regulation.

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Mr. Chris Paul, applicant (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 1, 2020

Application No: MV-33-20-L
Owner: Christopher Paul
Location of Property: 2133 Eel Bay Road
Purpose of Application: To vary Sections 5.8.2(a), 8.3.1 and 8.3.3 of Zoning By-law 2003-75
Date of Hearing: October 8, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose:

__ zoning relief for construction of a new building

✓ zoning relief for replacement of an existing building

___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	RW – Waterfront Residential
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit an attached deck with stairs located 25.6 metres (84 feet) and 22.9 metres (75 feet) from the highwater mark, respectively, whereas the Zoning By-law requires a minimum 30 metre setback from the highwater mark for all buildings and structures.
Section 8.3.1: Lot Coverage **Section 8.3.3:** High Water mark Setback	**Relief:** To allow 8.5 % lot coverage on the property, whereas the Zoning By-Law allows a maximum of 5% for the principal building. **Relief:** To permit an attached deck with stairs located 25.6 metres (84 feet) and 22.9 metres (75 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark for all buildings and structures.

Review:

This application for a variance:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains with the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the land, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit an attached deck within the required minimum 30 metre setback from the highwater mark of Sydenham Lake. The subject property also requires a variance for lot coverage of 8.5% for the dwelling.

The subject property is 0.99 acres (0.4 hectares) in size and is located to the south of Eel Bay Road and to the east of Hard Maple Lane, municipally known as 2133 Eel Bay Road. The subject property has waterfront on Eel Bay of Sydenham Lake, which is classified a Provincially Significant Wetland. The subject property contains a 176.9 square metres (1904 square feet) single detached dwelling with attached garage. The dwelling also includes an attached L-shaped deck with stairs that is 53.3 square metres (574 square feet) in area. The current deck and stairs are located 26.8 metres (88 feet) and 24 metres (78 feet) respectively from the highwater mark of Eel Bay. The dwelling with attached garage and deck results in a lot coverage of 7.7%.

The applicants propose to demolish the existing deck and stairs as they are old, rotting in places, poorly constructed and not to code. The applicants propose to extend the deck in width from 3 metres (10 feet) to 4.2 metres (14 feet). The proposed deck is L-shaped and 86 square metres (925.7 square feet) in size and would be located 25.6 metres (84 feet) from the highwater mark of Sydenham Lake (Eel Bay). The deck is proposed with a 2.7 metre (9 foot) run of stairs which would be located 22.9 metres (75 feet) from the highwater mark of Eel Bay. The proposal would result in the footprint of the deck and stairs increasing in size by 32.7 square metres (352 square feet) and being 1.2 metres (4 feet) closer to the highwater mark of Eel Bay.

The applicants have applied and received approval for a permit from Cataraqui Conservation for the construction of the deck and stairs.

Agency and Public Comments

Public Services Department – Public Services was not circulated due to the nature of the proposed development.

Building Department – The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved.

KFL&A Public Health – Comments received from KFL&A Public Health on September 25, 2020 indicate that KFL&A staff have no objections to the proposed minor variance.

Cataraqui Conservation – Comments received from Cataraqui Conservation staff on September 29, 2020 indicate the proposed development is replacing existing development no closer to the wetland boundary as there is a ground-level deck under the proposed deck that is closer to the wetland and high water mark than the proposed deck. Staff recommend that the area between the proposed development and the shoreline be maintained in a natural vegetated state. Cataraqui Conservation staff have no objection to the approval of the minor variance application based on their consideration for natural hazards, natural heritage and water quality protection policies.

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

Planning Analysis Summary

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:

1. Does the variance maintain the general intent and purpose of the Official Plan?

The subject property is designated Rural in the Official Plan. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on rural residential development and development within environmentally sensitive areas such as provincially significant wetlands and development adjacent to a lake. It is noted that it is not physically possible to meet the highwater mark setback, given the location of the existing dwelling with respect to the shoreline. The proposed structure is within a disturbed area of the property as there is already an existing deck.

a) Section 5.2.7 b)(ii) 3) Policies for Development and Site Alterations Adjacent to Lakes and Rivers requires that proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted but will be evaluated on the merits of the proposal based on the following:

   a) The ultimate gross floor area, building footprint and lot coverage being proposed;
   b) The closeness of the existing dwelling to the highwater; and
   c) The capacity of the lot to accommodate new development at a greater setback from the high watermark.

   - The existing dwelling and attached deck on the subject property are situated within the required minimum 30 metre setback from the highwater mark. There is a ground-level deck under the proposed deck that is closer to the wetland and high water mark than the proposed deck. The proposed development is replacing an existing development.

b) The Eel Bay Provincially Significant Wetland is designated an Environmental Protection Area in the Official Plan. Section 5.2.5 Significant Wetlands 'W' states that no new development or site alteration within 120 metres (394 feet) of a provincially significant wetland, nor the expansion or redevelopment of existing development within or adjacent to a provincially significant wetland is permitted unless it has been determined through an Environmental Impact Assessment that there will be no negative impacts on the natural features or ecological functions of the wetland.

   - It was determined that an Environmental Impact Assessment is not needed for the proposed development, as it would be in the same general footprint of the existing deck and it would not be located closer to the wetland than an existing ground-level deck located below it.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

Consistent with the Official Plan, Sections 5.8.2 a) and 8.3.3 of Zoning By-law 2003-75 prohibit development within 30 metres (98.4 feet) of the highwater mark of a waterbody. Section 8.3.1 of the Zoning By-law details the permitted uses and zone regulations for residential waterfront including lot coverage.

- The proposed variances maintain the general intent and purpose of the Zoning By-law as the proposed deck is a permitted use on the subject property, and the proposed deck enlargement is a modest increase. The proposed locations comply with the setback requirements of the RW zone, with the exception of the setback from the high water mark. The existing dwelling is located approximately 30 metre (98.4 foot) from the highwater mark, and the existing deck is within this setback. Therefore, it is not possible to achieve the highwater mark setback for the proposed attached deck and stairs.

3. Is the requested variance desirable for the appropriate development of the land, building or structure in question?

- The variances are desirable for the appropriate development of the subject property, as the proposed deck is consistent with the residential use of the property and the proposed deck enlargement is modest in size. There will be no negative impact on the surrounding properties, lake and wetland.

4. Is the variance minor?

- The variances are minor, as the proposed deck and stairs are in a reasonable location for their purpose, and there will be minimal disturbance to vegetation and the shoreline, preserving the waterfront character of the property.

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-33-20-L, subject to conditions.

Recommended Conditions

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

1. The minor variance is for an 86 square metres (925.7 square feet) attached deck with a 2.7 metre (9 foot) run of stairs located 25 metres (84 feet) and 22 metres (75 feet) respectively from the highwater mark of Eel Bay, as per the drawings submitted with MV-33-20-L, attached to the Decision as Schedule “A”.

2. A building permit is required for any demolition and for all 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.

3. Minor variance MV-33-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 23, 2020

Attachment: Map of the Paul property

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Updated January, 2020

The Committee of Adjustment is a Committee of eight persons appointed by Township Council. The Committee is formed under Section 45 of the Planning Act R.S.O. 1990, Chapter P.13, to authorize a minor variance from a zoning by-law.

The Committee may vary Zoning By-law provisions provided the Committee is of the opinion that the variance:

- Is desirable for the appropriate development or use of the land, building or structure
- Maintains the general intent and purpose of the Official Plan.
- Maintains the general intent and purpose of the Zoning By-law.
- Is minor in nature

Application Requirements

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE in accordance with the chart below** in cash, debit or by cheque made payable to the Township of South Frontenac.

Application Type:	**Planning Fee:**	**Building Admin Fee:**	**TOTAL:**
1-3 Variances	$940.00	$94.00	$1,034.00
4+ Variances	$1,290.00	$94.00	$1,984.00
After building without a permit	$1,970.00	$94.00	$2,064.00

2. It is required that a Fee be provided for the Health Unit and Conservation Authority (where applicable) when submitting an application (Separate **cheques**, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application).
   Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit *Minor Variance Only* *Minor Variance WITH Performance Review*	 $450 $700
Cataraqui Region Conservation Authority	$400
Quinte Conservation Authority	$341
Rideau Valley Conservation Authority *Standard (additions & other minor works)* *Major and/or new construction*	 $380 $510

3. **PLEASE READ THIS ITEM CAREFULLY**

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in Question 29 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Minor Variance Application by the Committee of Adjustment. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A guide to answering the application questions is attached.

4. **Collection of Personal Information**

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 376-3027 ext.2224).

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

Date Received: _____ File No: _____

1. Name of Owner(s): John Fraser

   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: NA

   Full Mailing Address of Authorized Agent: NA

   _____

   Phone number of Authorized Agent: NA

   Email Address of Authorized Agent: NA

   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: 12

   Street Number: 2160 Name of Road/Street: Westport Road

   Reference Plan Number: _____ Part Number(s): 1, 2, 3, 4, 5, on attached plan

   Roll Number: 020-04-021800-0000

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

Frontage (on water): 560 ft (170.7 m) Frontage (on road/lane): 31 ft (9.51m)

Depth: 100 ft (30.5 m) Area: Aprox 1.29 acres (0.52 hectares)

5. The current zoning of the subject land:

RSLW

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

Variance from minimum setback from both rear lot line and water, to demolish existing cottage and deck and reconstruct a ~~new cottage, deck, and septic system. The cottage will have a slightly larger footprint (6 ft longer) to accommodate~~ the installation of a staircase (as opposed to an existing ladder) and add a covered porch over the entranceway. The septic ~~system will be more than 15m from the water but less than the 30m desired setback.~~

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

The depth of my lot is only 30.5 m which means that any changes are within the desired 30 m setback. The existing cottage is within the 10m setback from the rear lot line. There is little chance of development in the lands adjacent to the rear lot line and with current environmental restrictions, no chance of a residence.

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

Name of Road/Lane:

The road is a right of way owned by others.

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.

NA

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

Residential 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

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

Type of Structure (E.g. residence)	**(1)** Cottage	**(2)** Deck	**(3)** Outhouse	**(4)** Shed
Setback from Front Lot Line	11 m (36 ft)	8.1 m (26 ft)	11.6m (36 ft)	3 m (10 ft)
Setback from Rear Lot Line (Part 5 Only)	7.6m (25 ft)	13 m (42.5 ft)	>15 m (50 ft)	13.4 m (44 ft)
Setback from Side Lot Line (Part 5 only)	>15m (50 ft)	>15 m (50 ft)	>15 m (50 Ft)	11m (36 ft)
Height of Building **(Also indicate if it is one story or two story)**	Approx 4.5m (15 ft)	NA	Approx 2.3 m (8 ft)	Approx 1.8 m (6 ft)
Dimensions of Floor Area	8.5 m x 9.1 m (28 ft x 30 ft)	3.7 m x 7.3m (12 ft x 24 ft)	1.8 m x 2.1 m (6 ft x 7 ft)	2.3 m x 2.3 m (8 ft x 8 ft)
Setback from High Water Mark (If applicable)	11 m (36 ft)	8.1 m (26 ft)	11.6 m (36 ft)	3m (10 ft)

13. The proposed uses of the subject land:

Residential three season 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

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

Type of Structure (E.g. residence)	**(1)** Cottage	**(2)** Deck	**(3)** Septic System	**(4)**
Setback from Front Lot Line	No Change 11 m (36 ft)	8.5 m (28 ft)	>15 m (50 ft)	
Setback from Rear Lot Line (Part 5 Only)	6 m (20 ft)	9.5 m (31 ft)	3.3 m (11 ft)	
Setback from Side Lot Line	No Change > 15 m (50 ft)	Slight increase >15 m (50 ft)	>15 m (50 ft)	
Height of Building **(Also indicate if it is one story or two story)**	1.5 storey Approx 7.6 m (25 Ft)	NA	NA	
Outside Dimensions of Building/Structure	9.1 m x 10.3 m (30 ft x 34 ft)	3 m x 9.1 m (10 ft x 30 ft)	Tank 2.4 m x 3.7 m Filter bed 4.5m x 6.1m	
Setback from High Water Mark (If applicable)	No Change 11 m (36 ft)	8.5 m (28 ft)	>15 m (50 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:

Demolish existing deck and cottage

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

If yes, please provide details:

Raise existing cottage by approx 0.76m (30 inches) to accommodate crawl space only

18. What are the uses of the proposed development?

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

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

July 26, 2019 sole possession, previously Aug 2007 as part owner, in family since 1968,

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

Cottage and outhouse between 1960 and 1968. Shed and deck in '80"s or "90's.

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

Approx 60 years. Lot was created in 1960 and cottage constructed between 1960 and 1968.

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:

Water is provided 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:

There is a pit privy (outhouse) and a separate grey water system serving the kitchen sink only

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

Natural drainage

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.

NA

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.

NA

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:



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).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19) Date land acquired: When did you take possession of the property?

20) Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

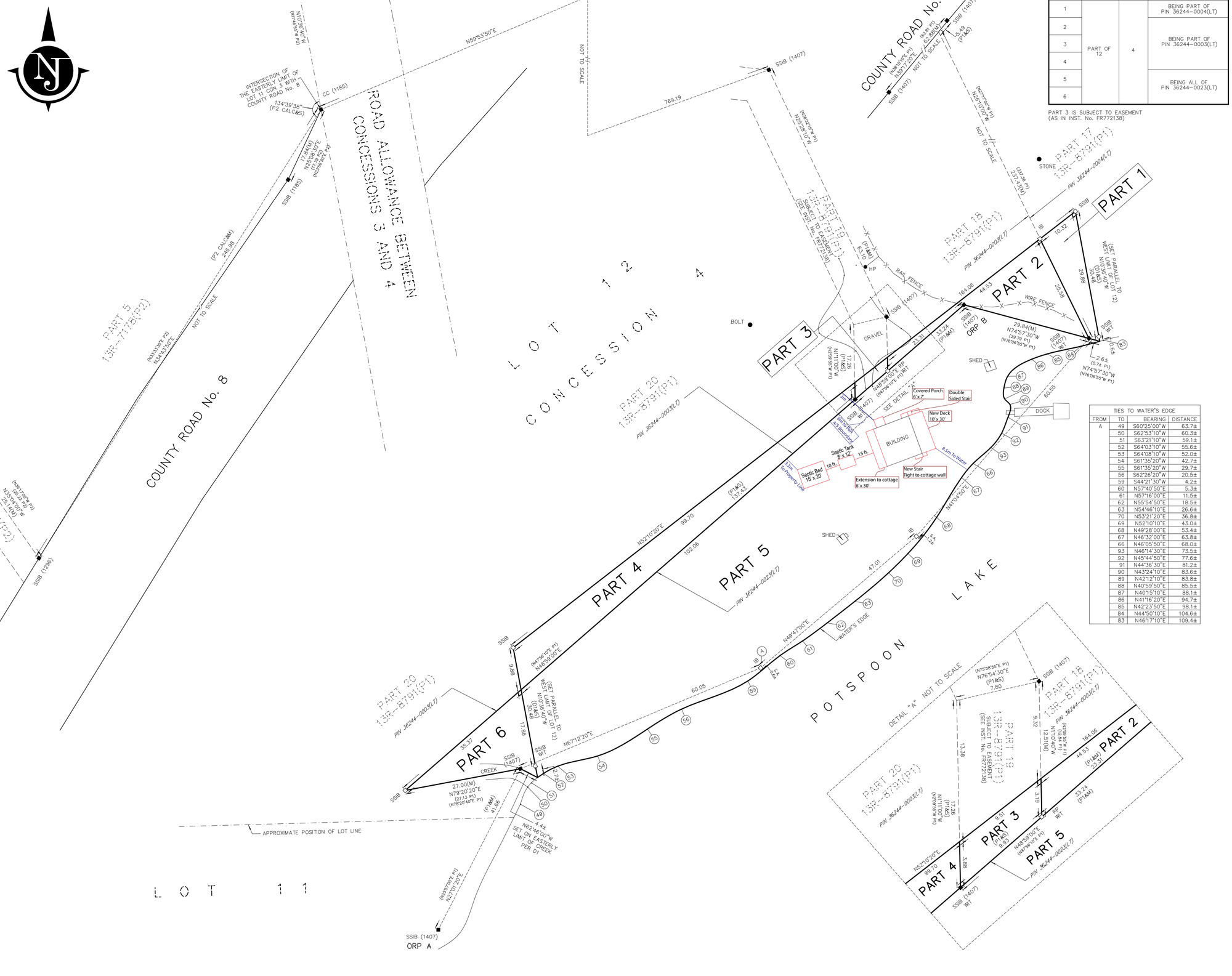
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



SCHEDULE

PART	LOT	CON	PIN
1	PART OF 12	4	BEING PART OF PIN 36244–0004(LT)
2			
3			BEING PART OF PIN 36244–0003(LT)
4			
5			BEING ALL OF PIN 36244–0023(LT)
6			

PART 3 IS SUBJECT TO EASEMENT (AS IN INST. No. FR772138)

TIES TO WATER'S EDGE

FROM	TO	BEARING	DISTANCE
A	49	S60°25'00"W	63.7±
	50	S62°53'10"W	60.3±
	51	S63°21'10"W	59.1±
	52	S64°03'10"W	55.6±
	53	S64°08'10"W	52.0±
	54	S61°35'20"W	42.7±
	55	S61°35'20"W	29.7±
	56	S62°26'20"W	20.5±
	59	S44°21'30"W	4.2±
	60	N57°40'50"E	5.3±
	61	N57°16'00"E	11.5±
	62	N55°54'50"E	18.5±
	63	N54°46'10"E	26.6±
	70	N53°21'20"E	36.8±
	69	N52°10'10"E	43.0±
	68	N49°28'00"E	53.4±
	67	N46°32'00"E	63.8±
	66	N46°05'50"E	68.0±
	93	N46°14'30"E	73.5±
	92	N45°44'50"E	77.6±
	91	N44°36'30"E	81.2±
	90	N43°24'10"E	83.6±
	89	N42°12'10"E	83.8±
	88	N40°59'50"E	85.5±
	87	N40°15'10"E	88.1±
	86	N41°16'20"E	94.7±
	85	N42°23'50"E	98.1±
	84	N44°50'10"E	104.6±
	83	N46°17'10"E	109.4±

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

JULY 22, 2020
DATE:

LESLIE M. HIGGINSON O.L.S.

PLAN 13R _ _ _ _ _

RECEIVED AND DEPOSITED

_ _ _ _ _ _ _ _ _ _ _ _
DATE:

_ _ _ _ _ _ _ _ _ _ _ _
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC No. 13

PLAN OF SURVEY
OF PART OF LOT 12
CONCESSION 4
TOWNSHIP OF SOUTH FRONTENAC
(GEOGRAPHIC TOWNSHIP OF BEDFORD)
COUNTY OF FRONTENAC

SCALE: 1 : 400

10m 0 10 20 30 metres

METRIC
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LESLIE M. HIGGINSON SURVEYING Ltd.
A DIVISION OF HOPKINS CHITTY LAND SURVEYORS INC.
2020

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE XXTH DAY OF XXXXXX, 2020.

JULY 22, 2020
DATE

_ _ _ _ _ _ _ _ _ _ _ _
LESLIE M. HIGGINSON
ONTARIO LAND SURVEYOR

NOTE & LEGEND:

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS AND ARE RELATED TO UTM ZONE 18, (75° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

INTEGRATION COORDINATE TABLE
OBSERVED REFERENCE POINTS(ORPs) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 18, NAD83(CSRS)(2010.0) RURAL ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING (M)	EASTING (M)
ORP A	4939737.23	373620.10
ORP B	4939881.31	373741.23

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.

GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.999773.

□	DENOTES	SURVEY MONUMENT PLANTED
■	"	SURVEY MONUMENT FOUND
SSIB	"	SHORT STANDARD IRON BAR
SIB	"	STANDARD IRON BAR
IB	"	IRON BAR
RP	"	ROCK POST
CC	"	CUT CROSS
WIT	"	WITNESS
CALC	"	CALCULATED
S	"	SET
M	"	MEASURED
1296	"	RONALD H. SMITH O.L.S.
1185	"	JOHN GOLTZ O.L.S.
1407	"	M. PETER ALLEN O.L.S.
SA	"	SPLIT ANGLE
P1	"	PLAN 13R–8791
P2	"	PLAN 13R–7178
D1	"	INST. No. FR761799

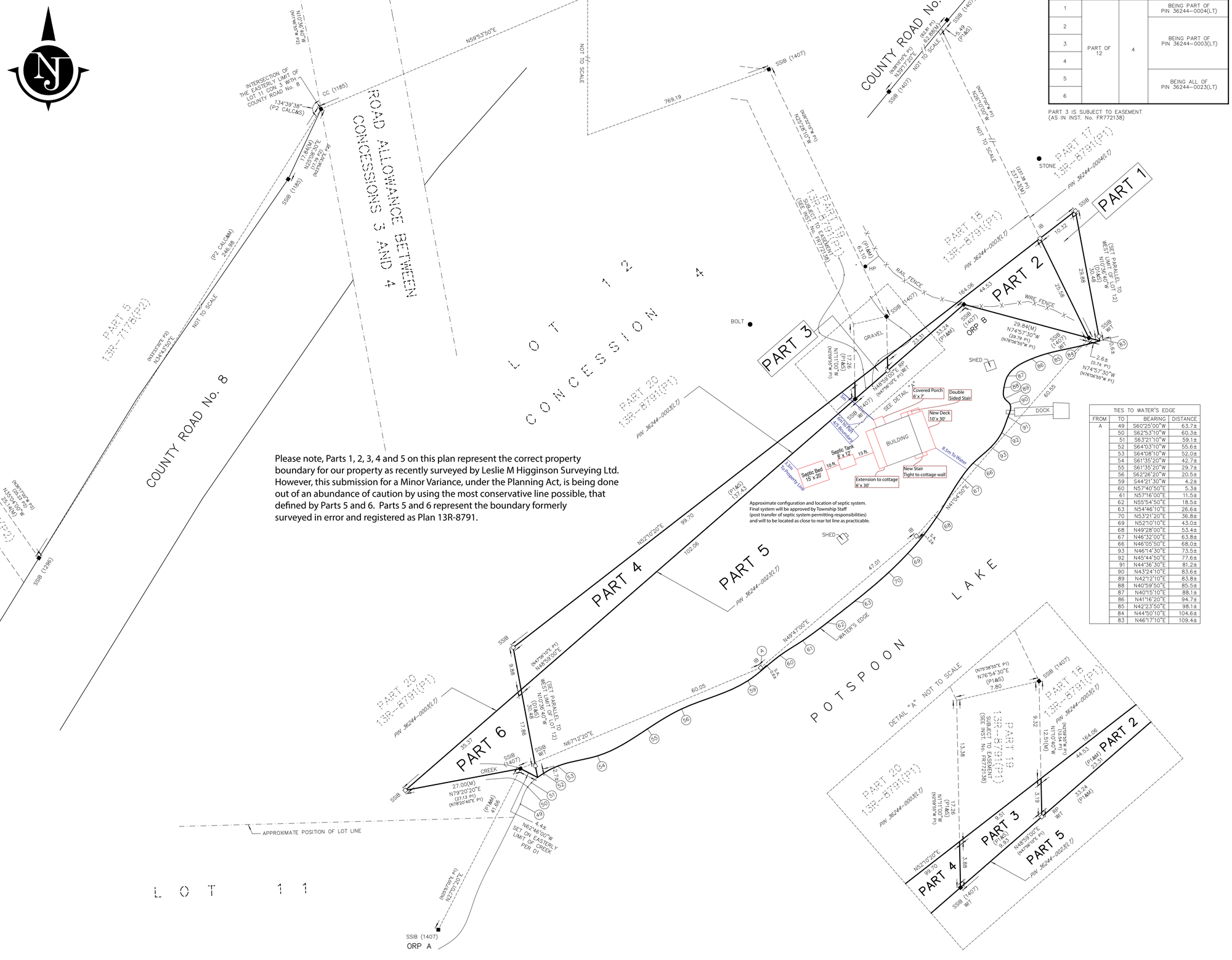
SSIB'S WERE PLANTED WHERE OVERBURDEN WAS INSUFFICIENT TO SET SIB'S

DATED JULY 22, 2020

LESLIE M. HIGGINSON SURVEYING Ltd.
A DIVISION OF HOPKINS CHITTY LAND SURVEYORS INC.
1064 GARDINERS ROAD
KINGSTON, ONTARIO K7P 1R7
(613) 389–7986 (fax)389–5578 or leslie@mhigginson.com

FILE: BE'D 4–12 | 2020–0105GNDC

Please note, Parts 1, 2, 3, 4 and 5 on this plan represent the correct property boundary for our property as recently surveyed by Leslie M Higginson Surveying Ltd. However, this submission for a Minor Variance, under the Planning Act, is being done out of an abundance of caution by using the most conservative line possible, that defined by Parts 5 and 6. Parts 5 and 6 represent the boundary formerly surveyed in error and registered as Plan 13R-8791.



SCHEDULE

PART	LOT	CON	PIN
1	PART OF 12	4	BEING PART OF PIN 36244-0004(LT)
2			
3			BEING PART OF PIN 36244-0003(LT)
4			
5			BEING ALL OF PIN 36244-0023(LT)
6			

PART 3 IS SUBJECT TO EASEMENT (AS IN INST. No. FR772138)

TIES TO WATER'S EDGE			
FROM	TO	BEARING	DISTANCE
A	49	S60°25'00"W	63.7±
	50	S62°53'10"W	60.3±
	51	S63°21'10"W	59.1±
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JULY 22, 2020
DATE:

LESLIE M. HIGGINSON O.L.S.

PLAN 13R _ _ _ _ _

RECEIVED AND DEPOSITED

_ _ _ _ _ _ _ _ _ _ _ _
DATE:

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REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC No. 13

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OF PART OF LOT 12
CONCESSION 4
TOWNSHIP OF SOUTH FRONTENAC
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10m 0 10 20 30 metres

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LESLIE M. HIGGINSON SURVEYING Ltd.
A DIVISION OF HOPKINS CHITTY LAND SURVEYORS INC.

2020

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
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2. THE SURVEY WAS COMPLETED ON THE XXTH DAY OF XXXXXX, 2020.

JULY 22, 2020
DATE

_ _ _ _ _ _ _ _ _ _ _ _
LESLIE M. HIGGINSON
ONTARIO LAND SURVEYOR

NOTE & LEGEND:

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D1	"	INST. No. FR761799

SSIB'S WERE PLANTED WHERE OVERBURDEN WAS INSUFFICIENT TO SET SIB'S

DATED JULY 22, 2020

LESLIE M. HIGGINSON SURVEYING Ltd.
A DIVISION OF HOPKINS CHITTY LAND SURVEYORS INC.
1064 GARDINERS ROAD
KINGSTON, ONTARIO K7P 1R7
(613) 389-7986 (fax)389-5578 or leslie@tmhigginson.com

FILE: BE'D 4-12 | 2020-0105GNDC

Ontario Lake Assessments
& Environmental Education Services

3654 Stage Coach Road
RR#3 Harrowsmith,
Ontario K0H 1V0
Tel: (613) 305-3863
rgenge@xplornet.ca

24 September 2020

John Fraser and Cynthia Stables
31 Robinhood Court
NORTH BAY, Ontario
P1C 1LZ

REGARDS: Preliminary EIA for Proposed Demolition and Re-construction of a Cottage at 2160 Westport Road; Concession 4 Lot 12; Bedford District; South Frontenac Township; Potspoon Lake – Roll # 020-04-021800-0000

Dear Cynthia Stables and John Fraser:

Further to the site visits I conducted to your property on March 21st, July 30th and on September 9th at the above location on Potspoon Lake, please find below my assessment of the potential impact of your proposal to demolish and reconstruct the existing cottage and upgrade to a new septic system.

Potspoon Lake is managed by the Ministry of Natural Resources & Forestry (MNRF) for a lake trout fishery; lake trout, are a cold water fish species that are particularly vulnerable to loss of oxygen from the hypolimnion of the lake during the late summer period. For lakes like Potspoon, the hypolimnion volume is small and therefore particularly susceptible to oxygen loss. The Ministry of Environment Conservation and Parks (MECP) have classified Potspoon Lake as being highly sensitive to nutrient loadings associated with development and as a result have identified Potspoon Lake as being 'at capacity'. Increased nutrient loadings to the lake will increase phytoplankton growth and result in oxygen loss from the hypolimnion. This designation has been in place since publication of the MOE/MNR report Inland Lake Trout Management in Southeastern Ontario (January) 1993.

As a result, protective measures are included in the South Frontenac Township Official Plan (OP) and Zoning By-law. The planning documents take direction from the Provincial Policy Statement (PPS). The PPS gives guidance to municipalities with regard to protecting matters of Provincial interest, in this case the water quality and lake trout fishery of Potspoon Lake and in addition the habitats of species at risk (SAR). The SAR locally are Blanding's turtles and gray rat snakes and their habitats. The protective measures in the OP are intended to either maintain or reduce the nutrient loading to the lake that result from shoreline development sources. Shoreline development sources include nutrient migration away from septic beds and lawns. The removal of near-shore trees within the 30m setback (30m buffer) is a contributing factor; the trees act to intercept nutrient plumes and also stabilize near-shore slopes to prevent erosion to the lake.

…. 2

The 'at capacity' designation prevents the creation of new waterfront lots with the exception of sites that may meet very strict geochemical and physical conditions that prove total containment of nutrients. For existing vacant lots of record and for re-development the OP and Zoning By-law seek to maintain or improve the level of impact regarding nutrient migration from these sites, essentially development may occur on these sites with a view to achieve the least impact possible.

Site Observations:

This lot is relatively small (no survey available at the times of inspection); it has 170.7m (560'±) of shoreline but is limited in depth, approximately 30.5m (100'±). The lot is small with an area of 0.52 ha (1.2 acres). The shoreline has a south facing exposure and therefore receives lots of early spring sunlight and warmth; there is some potential for gray rat snake basking sites to the east extremity of the lot along the lakeshore where there is safe refuge among an exposed broken rock face; this area is rugged and remains undisturbed.

The lot is for the most part well treed with mature white pine, ironwood, white cedar, maple, oak, hemlock and white birch. The topography is gentle and not too challenging at the location of the cottage and the proposed location of the septic field. It is up-gradient to the proposed septic field site so effluent will have to be pumped to the distribution field. There is no lawn or landscaping between the cottage and the lake; the shoreline vegetation remains natural overall.

The existing cottage is serviced by a pit privy located near to the shoreline west of the cottage. The cottage is 8.5 m x 9.1 m (28' x 30') in size with a 3.6m x 7.3m (12' x 24') deck located on the southeast side; the southernmost corner on the cottage is situated 11m (36') from the high water mark (HWM); the front deck is 8.1m (26') from the HWM. There are three small bedrooms on the main level and one small bedroom in a 'loft area'; there is a pressure system that services interior taps and discharges to a grey water receiver.

The Proposal:

The proposal is to demolish and remove the complete cottage and replace it with a 10.4 m x 9.1 m (34' x 30') cottage. The design includes one bedroom on the main level with a main floor bathroom and with a loft that includes three bedrooms; this will result in an increase in the building envelope of 16.7 m2 (180 ft2). Removing two of the main floor bedrooms to the loft will allow for more living space on the main floor level.

The existing deck will be reconfigured across the front of the new cottage to increase the setback from the lake by 0.61m (2 ft.). The new cottage will be serviced with a proposed Class IV sewage system that will require effluent to be pumped to the distribution bed to be located as far back as the lot will allow, a distance of 20 to 25m from the lakeshore. The Leslie M. Higginson Surveying Ltd. July 22, 2020 diagram does not include the pump chamber that is required after the septic tank and the location of the septic filtration field as indicated on the drawing is not depicted accurately. Discussions during the September site visit concluded with locating the 'filter bed' as far back as the topography and the lot will allow; a site was flagged.

Potential Impacts:

There are no water quality impacts as a result of this proposal with respect to the minor increase in the building footprint. There is potential for an improvement in nutrient migration management for the site with

…. 3

the installation of a new filter bed at the proposed setback distance of 20 to 25m. None of the proposed work / building envelope and septic is located over critical habitats for gray rat snakes.

Recommendations:

- From an environmental impact perspective this proposal will not result in an increased nutrient loading to Potspoon Lake conditional upon the lot being left in a natural state overall with no maintained/groomed lawn area between the cottage and the water. The only maintained lawn area should be over the septic field.
- The upgrade to a proper septic system must be viewed as an environmental improvement.
- Any excavated materials excess to the needs of the building foundation and septic installation cannot be distributed or graded elsewhere on the lot; these materials must be removed from the site.
- Rain gutters should be directed into soak away pits or French drains in order to avoid erosion toward the lake.

If you have any questions in the above regard, please feel free to give me a call.

Respectfully yours,



Reginald Genge B.Sc.
Ontario Lake Assessments
3654 Stage Coach Road
RR #3
HARROWSMITH, Ontario
K0H 1V0
rgenge@xplornet.ca
613-305-3863

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-34-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Fraser, John
Location:	Lot 12, Concession 4, Bedford 2160 Westport Road
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the proposed minor variance.
Inspector:	Joanne McGurn, CPHI(C), Public Health Inspector
Date:	September 24, 2020

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
2061 OLD HIGHWAY 2, RR#2, BELLEVILLE, ON, K8N 4Z2
PHONE: (613) 968-3434 • **FAX:** (613) 968-8240
www.quinteconservation.ca

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0220-2020

Municipality:	**Township of South Frontenac**		
Owner	**John Fraser**		
Location:	**2160 Westport Road**	**Lot 12, Concession 4**	**Bedford**
Roll #:	**1029020040281000000**		
Application Description:	**Minor Variance** File No. MV-34-20-B	**Reduce yard setback and setback from Potspoon Lake**	
Feature:	**Potspoon Lake**		
Comments:	***Planning Act* - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy** Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2020). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazards lands. Staff are satisfied that the application as presented is consistent with section 3.1 of the PPS as there is sufficient area for development outside the flood hazard. **Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses** The subject lands lie within the regulated area of Potspoon Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). 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 45 metres of the 1:100 year floodplain of Potspoon Lake. There will be a fee associated with the permit application. The permit fee is separate from the fee required for this planning application. **Quinte Region Source Protection Plan** Quinte Conservation provides Risk Management services as prescribed by the *Clean Water Act*, 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 not applicable as the subject property lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system. As such no Section 59 Clearance Notice is required. ***Planning Act* - Natural Heritage policies of the Provincial Policy Statement** 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.		
Final Comments:	Quinte Conservation has no objection to the application as presented.		

September 30, 2020
Date

Elizabeth Lowe
Planning and Regulations Technician

Sharlene Richardson
Regulations Officer

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020

Application No: MV-34-20-B
Owner: John Fraser
Location of Property: 2160 Westport Road
Purpose of Application: To vary Sections 5.8.2a and 10.3.1 of Zoning Bylaw 2003-75
Date of Hearing: October 8, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose: __ zoning relief for construction of a new structure

✓ zoning relief for replacement to an existing structure

___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	Limited Service Residential –Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a single-detached dwelling and attached deck with a highwater mark setback of 11 metres (36 feet) and 8.5 metres (28 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Highwater Mark, Front Yard and Rear Yard	**Relief:** To permit a single-detached dwelling and attached deck with a highwater mark setback and front yard of 11 metres (36 feet) and 8.5 metres (28 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark and front yard for the principal building. **Relief:** To permit a single detached seasonal dwelling and attached deck with a rear yard of 6 metres (20 feet) and 9.5 metres (31 feet) respectively, whereas the By-law requires 10 metres (32.8) feet for the principal building.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the land, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit a single detached dwelling with attached deck within the required highwater mark setback, front yard and rear yard.

The subject property is accessed by a right of way located off Westport Road, and is municipally known as 2160 Westport Road. The subject property has waterfront on Potspoon Lake which is an at-capacity lake trout lake. The subject property contains a cottage with an attached deck, an outhouse and a shed. The cottage is 78 square metre (840 square foot) with an attached 13.7 square metre (288 square feet) deck located 11 metres (36 feet) and 8.1 metres (26 feet) respectively from the highwater mark.

The applicants propose to demolish the existing cottage and attached deck, and to construct a new cottage. The new cottage would be on the general footprint of the existing cottage with the addition of a1.8 metre (6 foot) extension to the rear of the cottage to allow for stairs to access the loft, a covered porch over the entranceway and an attached deck.

The proposed cottage will be 94 square metres (1020 square feet) and 1.5 storeys in height. The cottage would be located no closer to the highwater mark than the existing cottage. The proposed attached deck will be 27.3 square meters (300 feet) and located 8.5 metres from the highwater mark. The proposed deck would be 2 foot narrower and ## metres/feet longer than the existing deck in order to square off the deck with the cottage and maintain the same floor area.

A 4 square metre (42 square foot) covered porch would be constructed on the north side of the cottage. The proposed cottage and covered porch would both be located approximately 6 metres (20 feet) to the rear property line. The deck would be 9.5 metres from the rear property line.

A Class IV sewage system will be installed on the property, with the septic bed being set back as far back from the highwater mark as possible. from the highwater mark.

The applicants have noted that there is a dispute over the boundary of the property as shown on registered Reference Plan 13R-8791 and a survey prepared in 2020 by Leslie M. Higginson Surveying Ltd. Reference Plan 13R-8791 indicates that the property consists of Parts 1, 2, 3, 5 and 6. The 2020 survey indicates that the property consists of Part 1, 2, 3, 4 and 5. The rear yard setbacks requested in this application were measured to the boundary between Parts 4 and 5, out of an abundance of caution until this matter is resolved.

Agency and Public Comments

Public Services – Due to the nature and location of the proposed development, Public Services was not required to be circulated.

Building Department –The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

KFL&A Public Health – Comments received from Public Health on September 24, 2020 indicate that staff have no objections to the proposed minor variance.

Quinte Conservation – Comments received from Quinte Conservation on September 30, 2020 indicate that staff have no objection to the application as presented.

Ministry of Environment, Conservation and Parks – Comments received from MECP on October 1, 2020, indicate that staff have no objection to the proposed development. Staff note that there are limited spatial options provided by the lot and there is limited expansion proposed to the existing dwelling.

Public Comments – At the time of the writing of this report, one comment has been received from the public expressing concerns about the legal survey.

Planning Analysis Summary

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:

1. Does the variance maintain the general intent and purpose of the Official Plan?

- The subject property is designated Rural in the Official Plan. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited residential development and development within environmentally sensitive areas such as at capacity lake trout lakes and development adjacent to a lake. The proposed structure is located on an already disturbed area on the subject property, in the same general location as the existing cottage.

a) The subject lands are adjacent to Potspoon Lake, which is an at-capacity lake trout lake. Section 5.2.8 of the Official Plan requires development on lots of record adjacent to a highly sensitive lake trout lake ("at-capacity") to be developed in accordance with the policies on Environmentally Sensitive Areas, specifically Section 5.2.7(b)(ii). Section 5.2.7 b)(ii) 3) suggests that proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted subject to evaluation of the merits of the proposal based on the following criteria:

   a) The ultimate gross floor area, building footprint and lot coverage being proposed;
   b) The closeness of the existing dwelling to the highwater; and
   c) The capacity of the lot to accommodate new development at a greater setback from the high watermark.

   In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark.

   - The proposed development will be situated on the same general footprint as the existing cottage, with the deck located further from the highwater mark than the existing deck, as far back from the water as possible. The existing deck will be reconfigured across the front of the new cottage to increase the setback from the lake by 0.61m (2 ft.). For new septic systems, past policy states that their location should be as far as possible for the highwater mark and should be setback at least 30 metres. However, where terrain and soil conditions dictate, reductions to this should be considered based on your elevation of the most suitable location for a proposed new system and, such a reduction should not be subject to the requirement for a minor variance. The septic system will be located as far back as possible from the highwater mark.

b) Section 5.2.8 also requires the submission of an Environmental Impact Assessment for development or site alterations proposed within 30 metres (98.4 feet) of the highwater mark.

   - The applicant submitted a preliminary Environmental Impact Assessment (Reginald Genge, September 24, 2020). The EIA determined that there are no water quality impacts as a result of the proposed development with respect to the minor increase in the building footprint and that there is potential for an improvement in nutrient migration management for the site with the installation of a new filter bed. The EIA stated that none of the proposed work / building envelope and septic is located over critical habitats for gray rat snakes. The EIA recommendations include keeping the area in its natural state: "this proposal will not result in an increased nutrient loading to Potspoon Lake conditional upon the lot being left in a natural state overall with no maintained/groomed lawn area between the cottage and the water. The only maintained lawn area should be over the septic field." The EIA further recommends that rain gutters should be directed into soak away pits or

French drains in order to avoid erosion toward the lake. Staff recommend that the EIA recommendations should be implemented and enforced through a development agreement as a condition of approval of the minor variance application.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

- The variances conform to the general intent and purpose of the Zoning By-law, as the proposed single detached dwelling is a permitted use on the property and is located as far away from the waterbody as possible. Additionally, the proposed dwelling is within the permitted lot coverage of the property, which indicates that the proposed footprint is appropriately proportionate to the size of the property. The increase in footprint and the rear yard setback of the cottage are modest.

3. Is the requested variance desirable for the appropriate development of the land, building or structure in question?

- The variances are desirable for the appropriate development of the land, as the proposed single detached dwelling is consistent with the intended residential use of the property. The proposed development is located in a reasonable location since there is limited opportunity to locate development outside of the water setback due to site constraints and it complies with the maximum lot coverage provisions in the Zoning By-law. Reducing the rear yard aids in maximizing the setback from the highwater mark. The location of the building will be in the general location of the existing cottage which means that the location of the required septic system will be maximized from the lake.

4. Is the variance minor?

- The variances are minor, as the proposed single detached dwelling site is a reasonable location for its purpose, and there will be no disturbance to the shoreline as a result of the development. There will be no negative impact on surrounding properties as the result of constructing a new detached dwelling at the proposed location.

Recommendation

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-34-20-B, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a singled detached dwelling and attached deck with a highwater mark setback and front yard setback of 11 metres (36 feet) and 8.5 metres (28 feet) respectively, and a rear yard setback of 6 metres (20 feet), as per the drawings submitted with MV-34-20-B, attached to the Decision as Schedule “A”.

2. The applicant is required to enter into a site plan agreement to be registered on the title of the property to the satisfaction of the Township to address Township environmental policies and EIA (Reginald Genge, September 24, 2020) recommendations.

3. 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.

4. Minor variance MV-34-20-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 23, 2020

Attachments: Map of the Fraser property

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

Date Received: Sep 9 2020 File No: MV-35-20-B

1. Name of Owner(s): Jefta + Caitlin Monster

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 10 Lot Number: 20

Street Number: 4407 Name of Road/Street: Westport Rd.

Reference Plan Number: 13R5679 Part Number(s): 1

Roll Number: 010-010-18700-0000

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): 500 Frontage (on road/lane): 20ft Righ of way

Depth: _____ Area: 2.2 acres

5. The current zoning of the subject land:

RLSW

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

Building a home

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

We cant build with 30 meter Setback

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

Name of Road/Lane:

Westport Rd. via Right of way

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

N/A

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

cottage

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) cottage	(2) Bunkie	(3) Shed	(4)
Setback from Front Lot Line	25 ft	38 ft.	48 ft.	
Setback from Rear Lot Line	92 ft	82 ft	42 ft	
Setback from Side Lot Line	40 ft	15 ft	48 ft	
Height of Building (Also indicate if it is one story or two story)	18 ft two story	11 ft one story	11'4 ft. one story	
Dimensions of Floor Area	775 Square feet	256 Square feet.	162. Square feet.	
Setback from High Water Mark (If applicable)	25 ft.	38 ft	48 ft.	

13. The proposed uses of the subject land:

full time

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

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	59.2 ft			
Setback from Rear Lot Line	59.2 ft			
Setback from Side Lot Line	133 ft			
Height of Building (Also indicate if it is one story or two story)	25 ft from main floor			
Outside Dimensions of Building/Structure	61.6 x 60.4 ft			
Setback from High Water Mark (If applicable)	59.2 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:

Demolition of old cottage

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

Feb 14 2020

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

---

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

---

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:

New well to be installed

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

Privately owned septic system.

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

natural drainage

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.

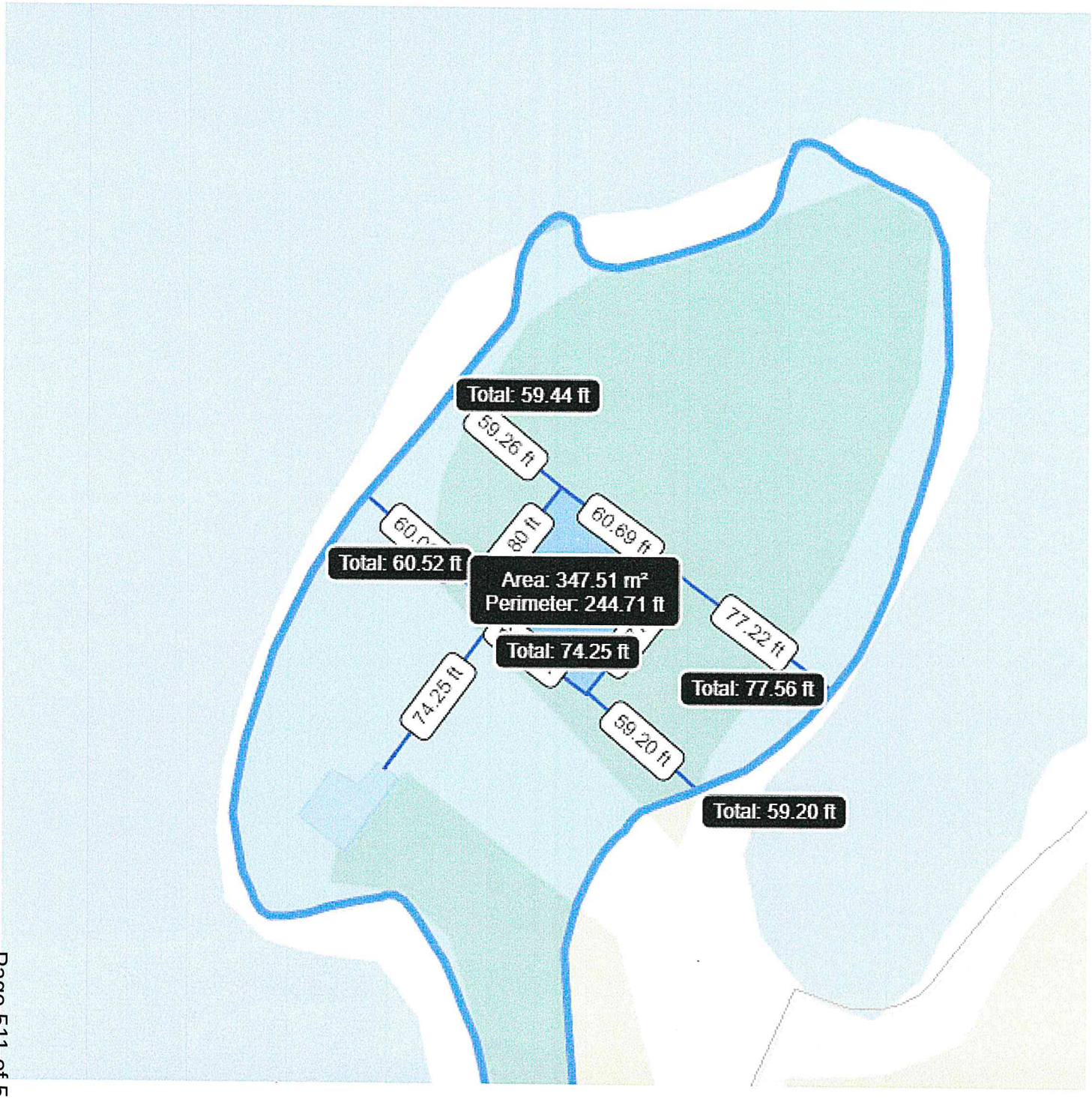
ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

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.

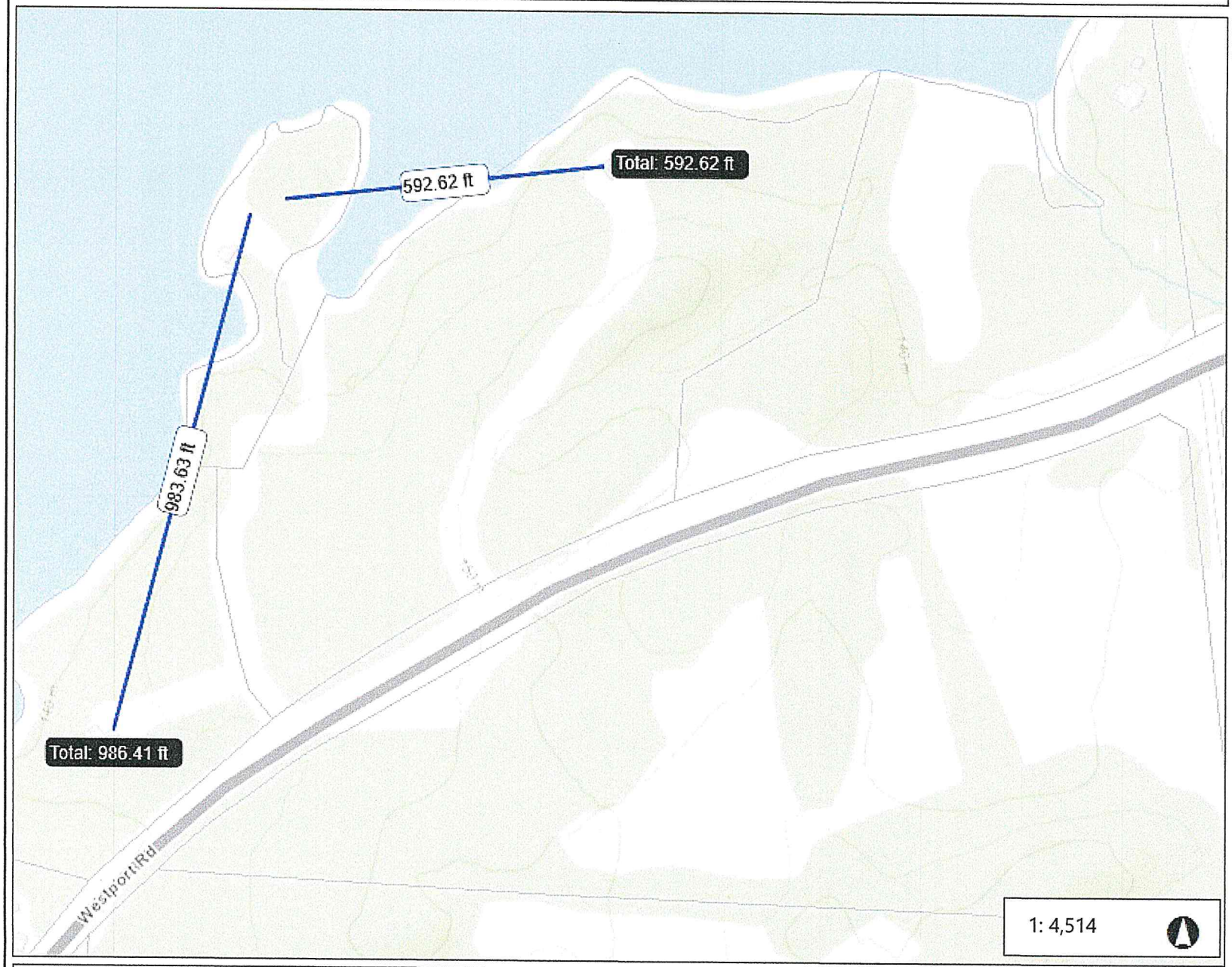
v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show 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.


Total: 59.44 ft
59.26 ft
60.69 ft
80 ft
Total: 60.52 ft
Area: 347.51 m²
Perimeter: 244.71 ft
77.22 ft
Total: 74.25 ft
Total: 77.56 ft
74.25 ft
59.20 ft
Total: 59.20 ft

FRONTENAC | Map Title





1: 4,514

Legend

- Parcels
- Citations

Notes

0.2 0 0.11 0.2 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION


I want to...
102901001018700
4407 WESTPORT RD
View Additional Details
Add to Results
Tools
Total: 59.44 ft
59.26 ft
60.69 ft
61.60 ft
60.03 ft
Total: 60.52 ft
Area: 347.51 m²
Perimeter: 244.71 ft
Total: 74.25 ft
60.45 ft
61.77 ft
77.22 ft
74.25 ft
Total: 77.56 ft
59.20 ft
World To...
0
3
6m
1:500
County of Frontenac | County of Frontenac, Leeds and Grenville, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT...



FRONTENAC | Map Title





Legend

- Parcels
- Citations

Notes

1: 2,257

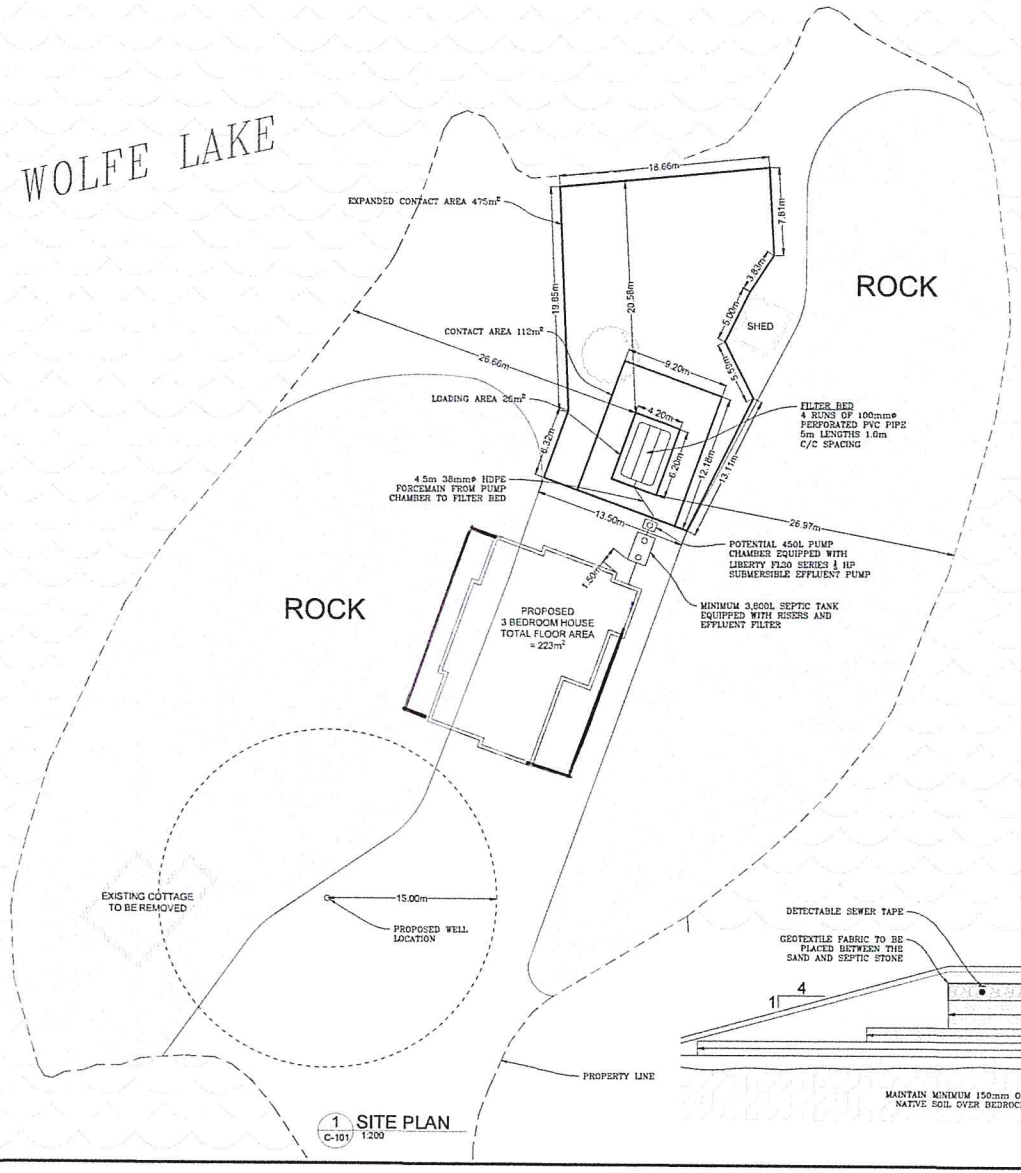
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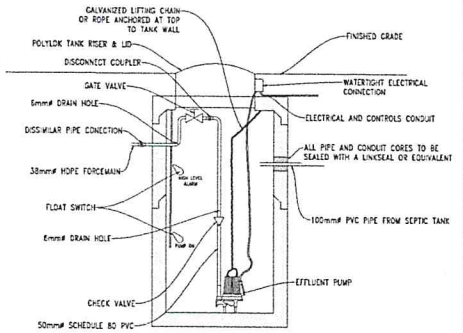
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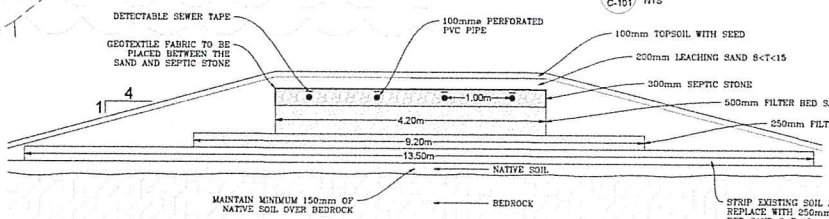
THIS MAP IS NOT TO BE USED FOR NAVIGATION



1 SITE PLAN
C-101 1:200

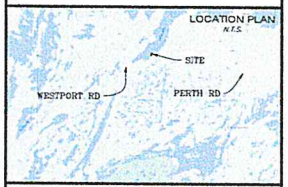


2 PUMP CHAMBER DETAIL
C-101 NTS



3 FILTER BED PROFILE
C-101 NTS

Groundwork Engineering Limited
GEOTECHNICAL • CIVIL • STORMWATER • ONSITE WASTEWATER
UNIT 640 - 654 NORRIS COURT
KINGSTON, ONTARIO
OFFICE (613) 634-1789



NOTES:

1. SEPTIC STONE GRADATIONS AS PER OBC 8.7.3.3.
2. THE HEADER AND DISTRIBUTION LINES SHALL BE INSTALLED AS PER OBC 8.7.2.2.
3. SEPTIC TANK TO BE EQUIPPED WITH RISERS AND EFFLUENT FILTER.
4. EFFLUENT FILTER AS PER OBC 8.6.2.1.(2)
5. FILTER BED SAND AS PER OBC 8.7.4.1.
6. STRIP ALL EXISTING TOPSOIL IN THE AREA OF FILTER BED.
7. GEOTEXTILE TO BE NON WOVEN NEEDLE PUNCHED POLYPROPYLENE TENMAT® 270R OR EQUIVALENT.
8. SUBMERSIBLE SEWAGE PUMP TO BE LIBERTY LE30 SERIES ½ HP OR EQUIVALENT INSTALLED INSIDE PUMP CHAMBER.
9. CONTROL PANEL TO BE SJE RHOMBUS E2 SERIES SIMPLEX DEMAND DOSE CONTROL PANEL 120V, 15 AMP OR APPROVED EQUIVALENT.
10. CONTROL PANEL WITH ALARM MOUNTED WITHIN HOUSE. SEAL ALL DUCTS ENTERING BUILDING WITH EYES FITTINGS TO PREVENT GAS TRANSFER.
11. ALL ELECTRICAL WORK AS PER OBC AND ELECTRICAL SAFETY AUTHORITY.
12. FORCEMAIN TO BE SELF DRAINING.

CALCULATIONS AS PER ONTARIO BUILDING CODE PART 8
DAILY SEWAGE FLOW DETERMINATION

PROPOSED HOUSE
- 3 BEDROOMS = 1,600 L/D
- FIXTURES NUMBER 24.5 > 20 = 225 L/D
- TOTAL FLOOR AREA = 223m² > 223 = 300 L/D

TOTAL (Q) = 1,500 L/DAY

SEPTIC TANK SIZING
-RESIDENTIAL 1,500L/DAY X 2 = 3,600L/DAY

MINIMUM SEPTIC TANK VOLUME = 3,600L

LOADING

EXISTING SOIL
T-TIME = 59
EXPANDED CONTACT AREA = 475m²

FILTER BED:
FLOW RATE < 3000L/DAY
THEREFORE USE 0.75
LOADING AREA=26m²
CONTACT AREA=112m²

REVISIONS

No.	Description	Date
1	ISSUED FOR REVIEW	SEPT 8, 2020

BENCHMARK:

No.	DESCRIPTION	ELEVATION
##	XXX	XXXXX

LICENSED PROFESSIONAL ENGINEER M. H. BURGER PROVINCE OF ONTARIO

Client / Land Owner:
JEFTA & CAITILIN MONSTER

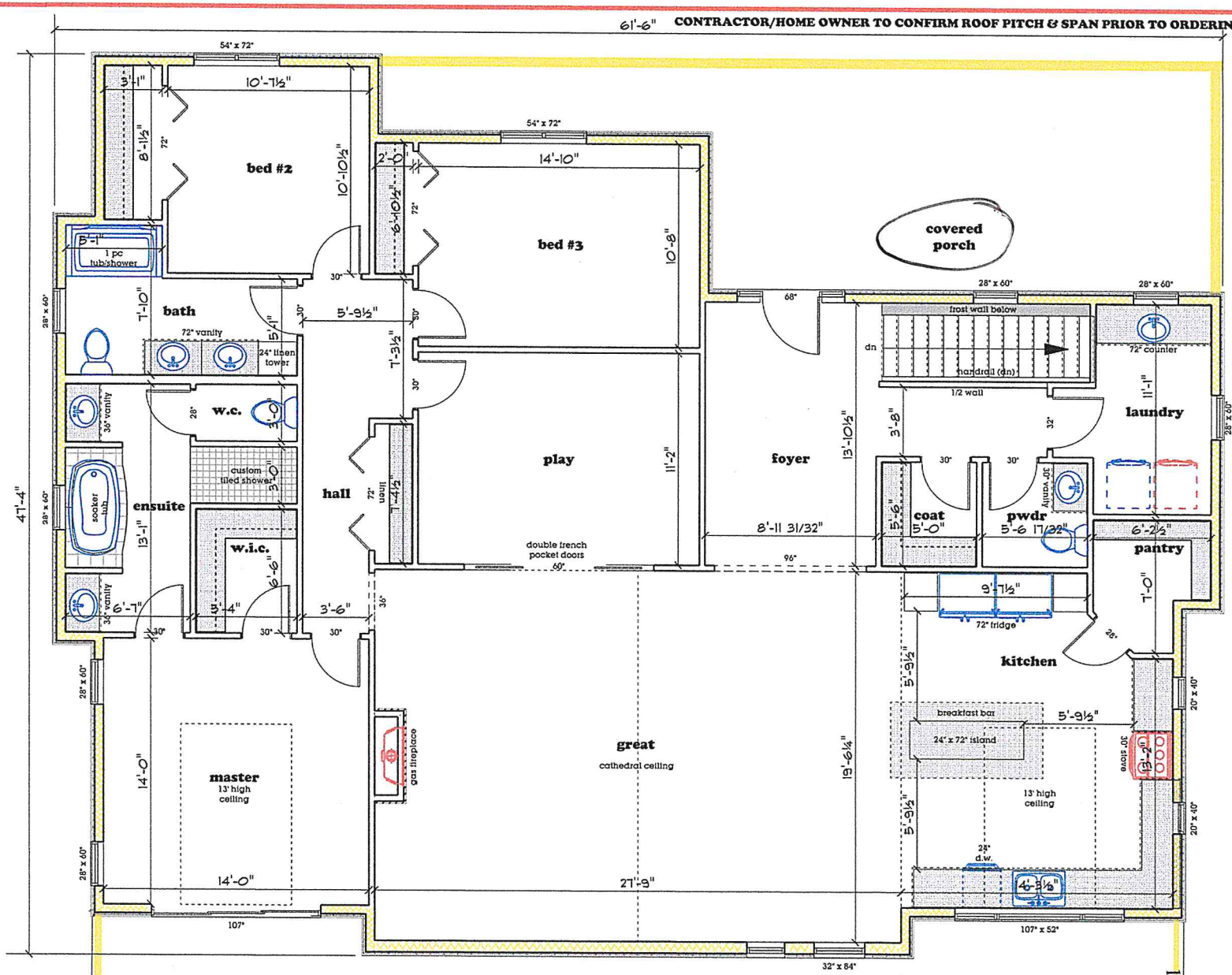
Project:
4407 WESTPORT ROAD
WESTPORT ONTARIO

Drawing Title:
SEPTIC PLAN

Drawn by: JH	Project Number: GW-20002-33
Checked By: MB	Drawing Number: C-101
Page Size: 24"x36" Scale: 1:200	SHEET 1 of 1
Date: SEPT 8, 2020	

P:\Projects\20000\20002 - Septic System Inspection and Design\20002-33 - 4407 Westport Rd\02 - Design\03 - Drawings\01 - Preliminary Design (Pre-Submission)\GW-20002-33.dwg 9/8/2020 12:51 PM

CONTRACTOR/HOME OWNER TO CONFIRM ROOF PITCH & SPAN PRIOR TO ORDERING TRUSSES



Main floor plan (9' - 1" stud wall height)

Covered Porch.

patio

patio

patio

January 2020

ATKINSON Home building centre
5276 Hinchinbrooke Road,
Hartington ON. K0H 1W0
Tel: (613) 372-2838
Fax: (613) 372-0009

© COPYRIGHT ATKINSON Home Building Centre

Client:
Caitilin & Jefta Monster
4407 Westport Rd,
Westport, ON.
K0G 1X0

Project:
Custom Rideau
Area = 2398
Date = June 26, 2020
Scale = 3/16" = 1' - 0"

Revisions:

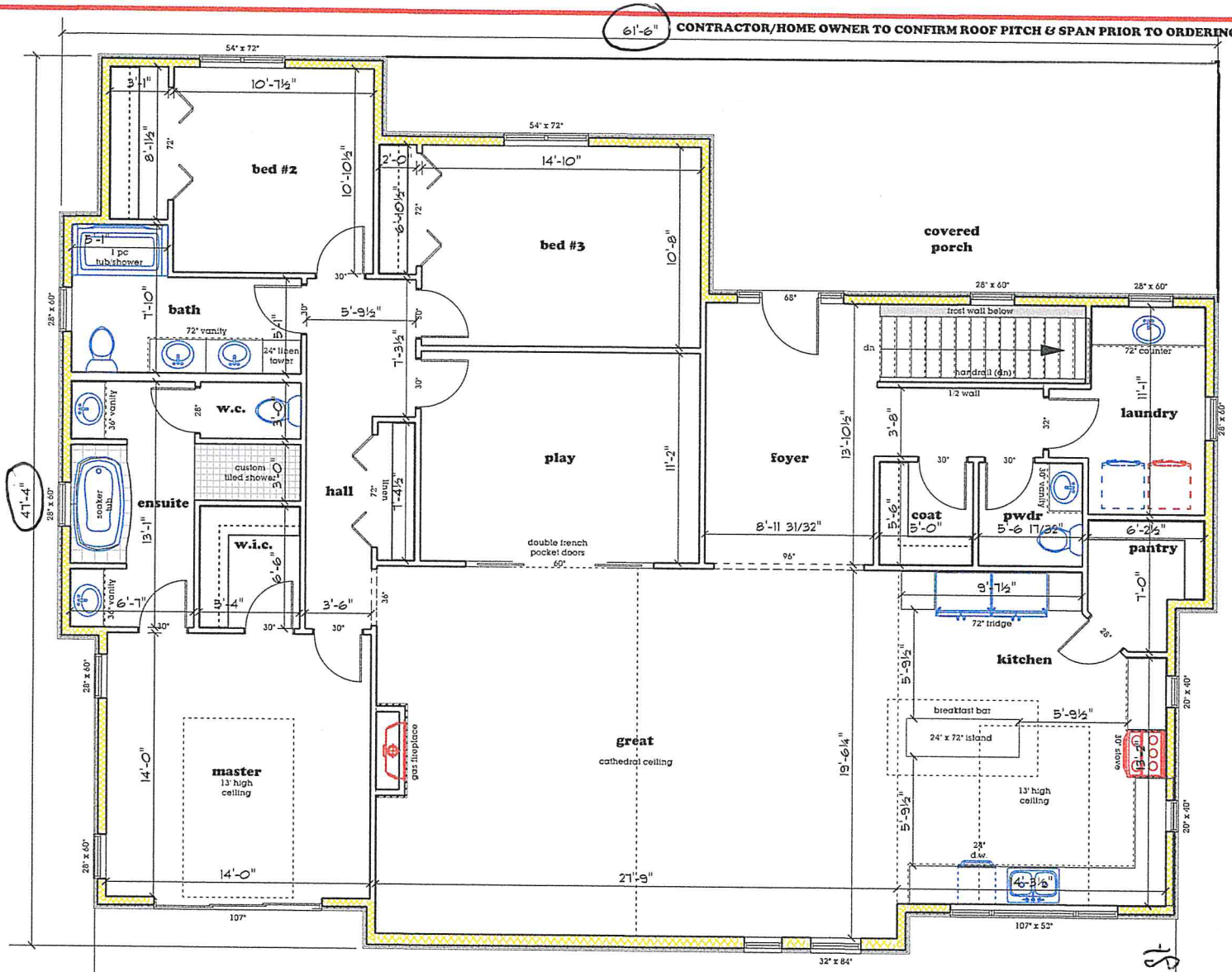
Designer:
Shawn Duce
B.C.I.N # 19460
Firm B.C.I.N. # 30420
Province of Ontario B.C.I.N. Certification

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 (unless noted otherwise). 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 written permission.
These plans form the basis for permit issuance & any deviation from these plans &details; including the ventilation system, heating system, woodstoves, fireplaces, decks, balconies & finished basements will require a revised drawing & clearance by the building department. In the event that any engineered details are required, in addition of these drawings, it will be the responsibility of the home owner/contractor to provide.

APPROVED BY:

DRAWING# **S - 3**

61'-6" CONTRACTOR/HOME OWNER TO CONFIRM ROOF PITCH & SPAN PRIOR TO ORDERING TRUSSES



Main floor plan (9' - 1" stud wall height)

patio patio patio

January 2020

ATKINSON Home building centre
5276 Hinchinbrooke Road,
Harrington ON. K0H 1W0
Tel: (613) 372-2838
Fax: (613) 372-0009
© COPYRIGHT ATKINSON Home Building Centre

BEAVER HOMES & COTTAGES

Client:
Caitlin & Jefta Monster
4407 Westport Rd,
Westport, ON.
K0G 1X0

Project:
Custom Rideau
Area = 2398
Date = June 26, 2020
Scale = 3/16" = 1' - 0"

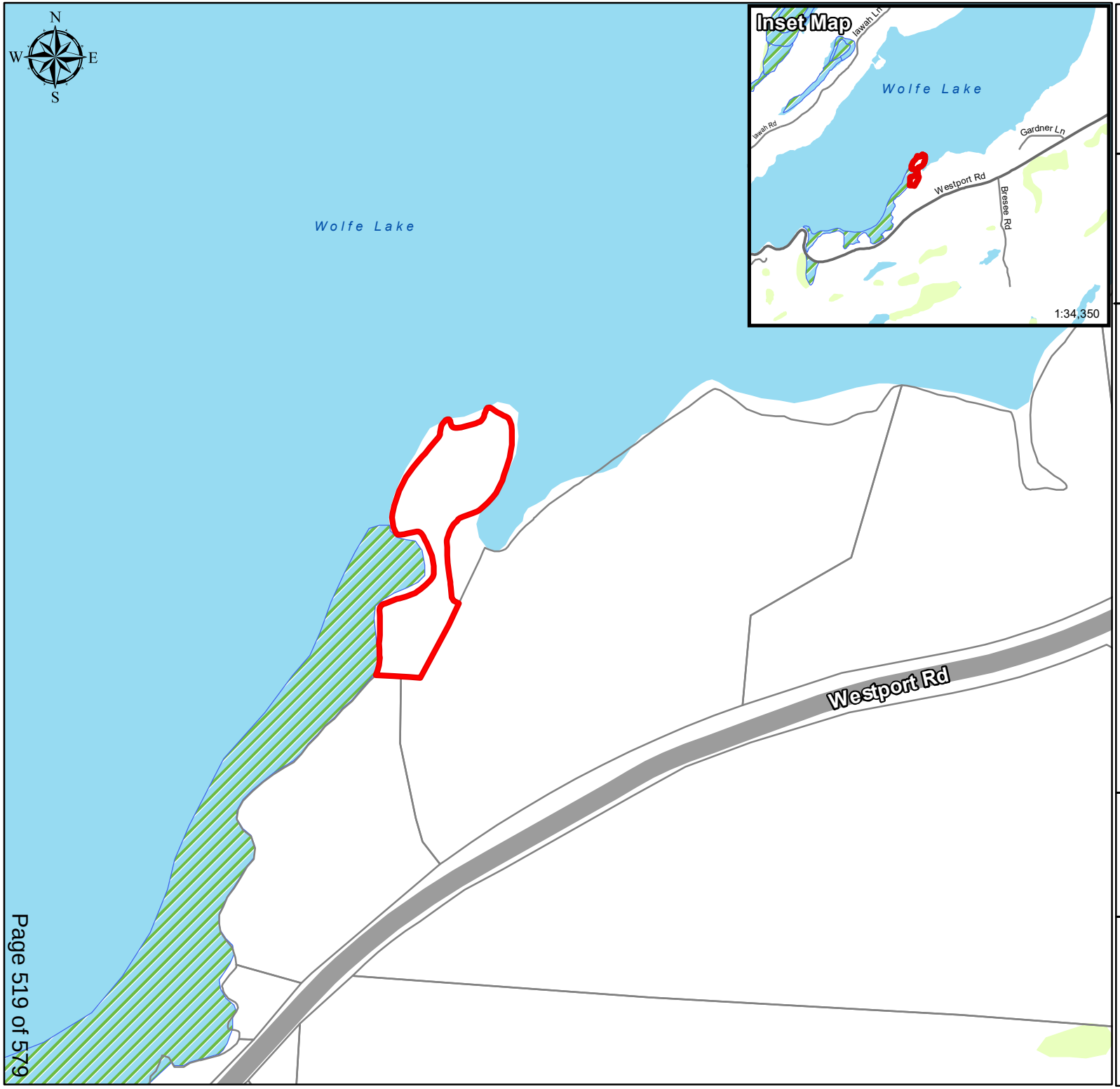
Revisions:

Designer:
Shawn Duce
B.C.I.N # 19460
Firm B.C.I.N. # 30420
Province of Ontario B.C.I.N. Certification

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These plans form the basis for permit issuance & any deviation from these plans &details; including the ventilation system, heating system, woodstoves, fireplaces, decks, balconies & finished basements will require a revised drawing & clearance by the building department. In the event that any engineered details are required, in addition of these drawings, it will be the responsibility of the home owner/contractor to provide.

APPROVED BY: A. Duce

DRAWING# S-3



TOWNSHIP OF SOUTH FRONTENAC

MV-35-20-B
(Monster)

4407 WESTPORT RD

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

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

Scale 1:4,000

0 10 20 40 60 80

Meters

UTM Projection NAD 83

Rideau Valley Conservation Authority

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

October 2, 2020
20-SFR-MVA-0015 (BEDFORD)

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

Attention: Anna Geladi, Planner

Subject: **MONSTER, Jefta & Caitilin;** Application **MV-35-20-B** – 4407 Westport Road, Part Lot 20, Concession 10; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 102901001018700000000

Dear Ms. Geladi,

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 Proposal

The RVCA understands this proposal to be an application for a minor variance to seek relief to construct a 223 m^2 dwelling and new septic sewage disposal system at the subject property. The requested variance would reduce the required 30 metre setback for this structure and service to 18 metres and 20.58 metres, respectively. It is understood that construction of the dwelling and septic system is the result of demolition of an existing cottage. Further, our office understands that construction of the new

dwelling seeks to maximize setbacks and improve the existing legal non-complying water setback (approximately 7.5 metres) from the previous cottage.

The Property

The subject property is indicated as being approximately 0.88 hectares with a water frontage of about 150 metres. It is a peninsula and is surrounded by Wolfe Lake on 3 sides of the property. Wolfe Lake is a regulated watercourse for the purposes of our regulation. The property also abuts the Wolfe Lake Complex Provincially Significant Wetland and therefore the entire property is within the 120 metre adjacent lands from this wetland. On the eastern side of the narrowest point of the property, an unevaluated wetland appears to be present. The property overlies a highly vulnerable aquifer as identified by the Mississippi-Rideau Source Protection Plan.

A review of our records did not reveal the presence of unstable soils. Steep slopes may be present on portions of the property, but the proposed construction location appears to avoid these. Our review did not reveal the location of any mapped floodplain hazard.

A site visit was not able to be taken to the subject property.

Review Comments

Provincial Policy Statement

Our office does not have any concerns in respect of Section 3.1 of the PPS.

Regarding Sections 2.1, natural heritage and 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 and no negative impacts to the PSW. 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 sections 2.1 and 2.2 of the PPS are respected by this development.

Ontario Regulation 174/06

The applicants should be aware that the entire property is regulated as it is within the 120 metre adjacent lands of the Wolfe Lake Complex Provincially Significant Wetland. The shoreline of the property is also regulated by our office. Therefore, 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 in order to construct the dwelling and septic system on the property. **Please note that obtaining a permit from our office is in *addition to* this variance application. An application form has been attached with this letter for the benefit of the applicants.**

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 to 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. Some best practices that could be considered include increased well casing depths and increased distance of septic systems from drinking water wells.

Discuss 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 eavestrough 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.

- Prior to construction, appropriate sediment and erosion controls (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.

- An existing vegetation plan should be included as a schedule in any future site plan control agreement. This plan should note the location of the existing vegetation on the subject property and include text for its long-term retention.

- 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 Wolfe Lake or within the 120 metre adjacent lands from the Wolfe Lake Complex Provincially Significant Wetland, 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 to note that a permit is required from our office before any construction occurs on the subject property.**

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 RPP, MCIP

cc – Mr. Monster, owner
cc – KFLPHA

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-35-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Monster, Jefta & Caitilin
Location:	Lot 20, Concession 10, Bedford 4407 Westport Road
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the minor variance as the owners have submitted an application under permit number BE-32-20. However, include septic system on minor variance within 30 metres (25 metres – 82 feet) from high water mark.
Inspector:	Joanne McGurn, CPHI(C), Public Health Inspector
Date:	September 29, 2020

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.

Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

For use by Principal Authority	
Application number: BE-32-20	Permit number (if different):
Date received: 23-Sep-20	Roll number: 5-77-20

Application submitted to: Kingston, Frontenac and Lennox & Addington Public Health
(Name of municipality, upper-tier municipality, board of health or conservation authority)

A. Project information

Building number, street name	Unit number	Lot/con.
4407 Westport Road		20 / 10

Municipality	Postal code	Plan number/other description
Westport	K0G 1X0	13R5679 Pt. 1

Project value est. $	Area of work (m^2)

B. Purpose of application

☑ New construction ☐ Addition to an existing building ☐ Alteration/repair ☐ Demolition ☐ Conditional Permit

Proposed use of building	Current use of building
Residential House	

Description of proposed work

Design new Class 4 sewage system with a raised filter bed, septic tank and potential pump chamber.

C. Applicant

Applicant is: ☑ Owner or ☐ Authorized agent of owner

Last name	First name	Corporation or partnership
Monster	Jefta	

Street address	Unit number	Lot/con.
32 Dundas St East, Napanee		

Municipality	Postal code	Province	E-mail
Lennox and addington	K7R1H6	Ontario	jeftamonster@hotmail.com

Telephone number	Fax	Cell number
		613 305 1258

D. Owner (if different from applicant)

Last name	First name	Corporation or partnership

Street address	Unit number	Lot/con.

Municipality	Postal code	Province	E-mail

Telephone number	Fax	Cell number

MV-35-20B

BE-32-20

E. Builder (optional)

Last name	First name	Corporation or partnership (if applicable)		
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number	Fax		Cell number	

F. Tarion Warranty Corporation (Ontario New Home Warranty Program)

i. Is proposed construction for a new home as defined in the *Ontario New Home Warranties Plan Act*? If no, go to section G.	☐ Yes	☐ No
ii. Is registration required under the *Ontario New Home Warranties Plan Act*?	☐ Yes	☐ No

iii. If yes to (ii) provide registration number(s): _____

G. Required Schedules

i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.

ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.

H. Completeness and compliance with applicable law

i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted).	☑ Yes	☐ No
Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the *Building Code Act, 1992*, to be paid when the application is made.	☑ Yes	☐ No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the *Building Code Act, 1992*.	☑ Yes	☐ No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the *Building Code Act, 1992* which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.	☑ Yes	☐ No
iv) The proposed building, construction or demolition will not contravene any applicable law.	☑ Yes	☐ No

I. Declaration of applicant

I Jefta Monster declare that:
(print name)

1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Sep 19 2020 — Date

Jefta Monster — Digitally signed by Jefta Monster, Date: 2020.09.19 14:40:38 -04'00' — Signature of applicant

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 585-6666.

BE- 32-20

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information

Building number, street name		Unit no.	Lot/con.
4407 Westport Road			20/10
Municipality	**Postal code**	**Plan number/ other description**	
Westport	K0G 1X0		

B. Individual who reviews and takes responsibility for design activities

Name		Firm	
Martin		Groundwork Engineering Limited	
Street address		**Unit no.**	**Lot/con.**
654 Norris Court		640	
Municipality	**Postal code**	**Province**	**E-mail**
Kingston	K7P 2R9	Ontario	mburger@groundengineer.ca
Telephone number	**Fax number**		**Cell number**
(613) 634-1789	(613) 900-0537		

C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1. of Division C]

☐ House	☐ HVAC – House	☐ Building Structural
☐ Small Buildings	☐ Building Services	☐ Plumbing – House
☐ Large Buildings	☐ Detection, Lighting and Power	☐ Plumbing – All Buildings
☐ Complex Buildings	☐ Fire Protection	☑ On-site Sewage Systems

Description of designer's work: Design new Class 4 sewage system with a raised filter bed, septic tank and potential pump chamber.

D. Declaration of Designer

I Martin Burger declare that (choose one as appropriate):
(print name)

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4.of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual BCIN: _____

Firm BCIN: _____

I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5.of Division C, of the Building Code.

Individual BCIN: _____

Basis for exemption from registration: _____

The design work is exempt from the registration and qualification requirements of the Building Code.

Basis for exemption from registration and qualification: Professional Engineer

I certify that:

1. The information contained in this schedule is true to the best of my knowledge.
2. I have submitted this application with the knowledge and consent of the firm.

September 8, 2020 (Date) — M Burger (Signature of Designer)

NOTE:

1. For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.4.7(1) (c).of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
2. Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practice, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or a certificate of authorization, issued by the Association of Professional Engineers of Ontario.

BE 32-20

Schedule 2: Sewage System Installer Information

A. Project Information			
Building number, street name		Unit number	Lot/con. 20/10
Municipality	Postal code	Plan number/ other description	

B. Sewage system installer

Is the installer of the sewage system engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems, in accordance with Building Code Article 3.3.1.1, Division C?

☐ Yes (Continue to Section C) ☐ No (Continue to Section E) ☑ Installer unknown at time of application (Continue to Section E)

C. Registered installer information (where answer to B is "Yes")			
Name			BCIN
Street address			Unit number / Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number

D. Qualified supervisor information (where answer to section B is "Yes")	
Name of qualified supervisor(s)	Building Code Identification Number (BCIN)

E. Declaration of Applicant:

I Jefta Monster (print name) declare that:

I am the applicant for the permit to construct the sewage system. If the installer is unknown at time of application, I shall submit a new Schedule 2 prior to construction when the installer is known;

OR

I am the holder of the permit to construct the sewage system, and am submitting a new Schedule 2, now that the installer is known.

I certify that:

1. The information contained in this schedule is true to the best of my knowledge.
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Sep 30/20 (Date) — Signature of applicant

BE-32-20

Directions to building site	Map

Soils Certification

I, _____ (Licensed Installer under Section 3.3 of the Building Code Act), verify that the material used in the construction of the sewage system, under the permit herein, meets the requirements of the Ontario Building Code, the percolation rate identified on the permit and the soils analysis submitted to KFL&A Public Health from:

_____
(Name of pit)

Note: *Leaching bed fill* means soil used for the construction of conventional and chamber leaching beds, filter beds, dispersal beds, and area beds as prescribed under specific Building Materials Evaluation Commission authorizations. It may not include a requirement for other soils as prescribed by treatment unit manufacturers; check with the manufacturer before installation. The silt content of leaching bed fill must be included in the analysis.

KFL&A Public Health may require you to submit soil samples for analysis.

_____ _____
Licensed installer's signature Date

Owner Authorization

I/we, _____, being the legal owner(s) of the property described as Lot _____,

Concession _____, Parts(s)/Sublot(s) _____ of Registered Plan of Survey/Subdivision _____, in the

Municipality of _____, located at Civic Address _____,

certify that _____ is authorized to submit an

Application to Construct or Demolish to KFL&A Public Health for the purposes of installing a sewage system in accordance

with Ontario Regulation 332/12, and to act as my/our representative for any associated site inspections.

I/we certify that all information and material provided for the purpose of this application is accurate.

Signature of legal owner(s): _____

BE-32-20

Sewage System Calculation Page

1. Daily design sewage flow (DDSF) (Q)

See Table 1 – DDSF values for bedrooms 1,600 (litres per day) **(A)**

Total floor area 223m² (metres²)

For every 10 metres² or part thereof over 200 metres², up to 400 metres² 3 x 100 = 300 (litres per day)

For every 10 metres² or part thereof over 400 metres², up to 600 metres² _____ x 75 = _____ (litres per day)

For every 10 metres² or part thereof over 600 metres² _____ x 50 = _____ (litres per day)

Total DDSF for floor area 300 (litres per day) **(B)**

See Table 2 - Total fixture units 24.5

Each fixture unit over 20 4.5 x 50 = 225 (litres per day) **(C)**

DDSF (Q) = 1,600 **(A) +** 300 **(larger of (B) or (C)) =** 1,900 (litres per day) **(Q)**

2. Leaching bed size (metres)

Conventional - Total length of distribution pipe **(L) = (Q x T) ÷ 200**
Treatment systems or chambers - Total length of distribution pipe **(L) = (Q x T) ÷ 300**

Total length of distribution pipe (L) = (_____ **(Q)** x _____ **(T))** Percolation time of native or imported soil ÷ **(200 or 300)** = _____ (metres)

3. Filter bed loading area (metres²)

If Q ≤ 3000 litres per day, use Q ÷ 75
If Q > 3000 litres per day, use Q ÷ 50
Level II-IV treatment unit only, use Q ÷ 100

Loading area = 1,900 **(Q)** ÷ 75 **(75, 50 or 100)** = 26 (metres²)

4. Filter bed contact area (metres²)

Contact area = (Q x T) ÷ 850

Contact area = (1,900 **(Q)** x 50 **(T))** ÷ 850 = 112 (metres²)

Use T of native soil; if contact area < loading area, use loading area for both values

5. Shallow buried trenches (metres)

See Table 4 - Shallow buried trench length

(L) = _____ **(Q)** ÷ _____ **(75, 50 or 30)** = _____ metres

6. Type A dispersal bed (metres²)

Stone layer
If Q ≤ 3000 litres per day, use **Q** ÷ 75
If Q > 3000 litres per day, use **Q** ÷ 50

Stone layer = _____ **(Q)** ÷ _____ **(75 or 50)** = _____ (metres²)

Sand layer
If T is between 1 and 15 use **(Q x T)** ÷ 850
If T is greater than 15 use **(Q x T)** ÷ 400

Sand layer = (_____ **(Q)** x _____ **(T))** ÷ **(850 or 400)** = _____ (metres²)

Use T of native soil; if sand layer area < stone layer area, use stone layer area for both values

7. Type B dispersal bed (metres²)

Area = (Q x T) ÷ 400

Area = (**(Q)** _____ x _____ **(T))** ÷ 400 = _____ (metres²)

Linear loading rate
If T < 24 minutes, use 50 litres per minute
If T ≥ 24 minutes, use 40 litres per minute

Pump chamber capacity (Q) = _____ (litres)

Table 1 – DDSF values for bedrooms
(Ontario Building Code, Division B, Part 8, Table 8.2.1.3.A)

Bedrooms	Litres per day	Bedrooms	Litres per day
1	750	4	2000
2	1100	5	2500
3	1600	Per bedroom over 5	500

Table 2 – Fixture units
(Ontario Building Code, Division B, Part 7, Table 7.4.9.3)

	Number of units		Total
Bathroom group (3 to 4 piece bathroom)	2	x 6.0 =	12
Bathtub (with or without shower)	____	x 1.5 =	____
Toilet	1	x 4.0 =	4
Clothes washer	1	x 1.5 =	1.5
Dishwasher	1	x 1.0 =	1
Laundry tubs	1	x 1.5 =	1.5
Shower drain	____	x 1.5 =	____
Sinks	3	x 1.5 =	4.5
Other	____	x . =	____
		Total =	24.5

Table 3 – Loading rates for fill based absorption trenches and filter beds
(Ontario Building Code, Division B, Part 8, Table 8.7.4.1)

Percolation time (T) of soil (minutes)	Loading rates (litres per metres² per day
1 < T ≤ 20	10
20 < T ≤ 35	8
35 < T ≤ 50	6
T > 50	4

Table 4 – Shallow buried trench length
(Ontario Building Code, Division B, Part 8, Table 8.7.3.1)

Percolation time (T) of soil (minutes)	Length of distribution pipe (metres)
1 < T ≤ 20	Q ÷ 75 metres
20 < T ≤ 50	Q ÷ 50 metres
50 < T < 125	Q ÷ 30 metres

Sewage System Specifications Page

OFFICE USE ONLY	
Name MONSTER Jeffrey	Application number BE-32-20
Fee number 5-77-20	Date Submitted 23-Sep-20
Renewal date	Fee amount $700.00 Visa + 450.00 chg.
	Date entered 23-Sep-20

Structure ☒ New ☐ Existing ☒ Residential ☐ Commercial

If the sewage system is non-residential, attach a separate copy of the specifications and plans.

Number of bedrooms	Number of fixture units	Total finished area	Daily design sewage flow (Q)	Septic tank capacity (2 x Q)
3	24.5	223 (metres²) ☐ Including walkout basement	1,900 (litres per day) Account for backwash water from any water treatment unit (i.e. water softener)	3,800 (litres) (minimum of 3600 litres)

Water supply ☒ Proposed ☐ Existing ☒ Drilled Well ☐ Dug, bored, or blasted well ☐ Municipal ☐ Surface water

Casing depth ____ (metres) ☐ Sandpoint or drivepoint ☐ Cistern ☐ Shore well

Soils

Indicate soil types (sand, silt, clay), bedrock, and the high ground water table below.

Test Pit (metres)

0.0 Top Soil
0.3
Bedrock
0.6
0.9
1.2
1.5

Estimated percolation rate of native soil	Tested percolation rate of imported soil
T = 50 (minutes per centimeter)	T = _____ (minutes per centimeter)

Method of subsurface detection
☒ Magnetic
☐ Tracer wire (14 gauge plastic coated)
☐ Other _____

Holding tank capacity (7 x Q)
(Class 5 only)
(minimum of 9000 litres)

_____ (litres)

Class 4 sewage system type
☐ Conventional leaching bed
☐ Chamber system leaching bed
☒ Filter media bed
☐ Building Materials Evaluation Committee area bed
☐ Shallow buried trenches*
☐ Type A dispersal bed*
☐ Type B dispersal bed*

* These sewage systems **require** a Level IV treatment unit certified to the CAN/BNQ 3680-600 standard, or a treatment unit described in Supplementary Standard SB-5.

Treatment unit
☐ Level II ☐ Level III ☐ Level IV
☐ Service agreement provided
Manufacturer _____
Model _____
☐ Building Materials Evaluation Committee authorization provided

Conventional leaching bed
(minimum 40 metres)
Total distribution pipe _____ (metres)
☐ Mantle required ☐ Pump required

Chamber system leaching bed
(minimum 40 metres)
Total chamber length _____ (metres)
Manufacturer _____
Model _____
Number of pieces _____
☐ Mantle required ☐ Pump required

Filter media bed
Loading area 26 (metres²)
Contact area 112 (metres²)
Total distribution pipe 20 (metres)
☒ Mantle required ☒ Pump required

Shallow buried trenches
(minimum 30 metres)
Total trench length _____ (metres)

Building Materials Evaluation Committee area or type A dispersal bed
Stone layer area _____ (metres²) Sand layer area _____ (metres²) ☐ Mantle required

Type B dispersal bed Stone layer area _____ (metres²) Linear loading rate ☐ 50 litres per metre ☐ 40 litres per metre
Pump chamber capacity _____ (litres)

Loading rate (from Table 3) = 1,900 **(Q) ÷** 4 (litres per metres² per day) = 475 area (metres²)

Recommendations or conditions (for office use only)
Install this system in accordance with the Ontario Building Code.

Office Use Only	
Application number	BE-32-20
Name	MONSTER, Jeffa

Sewage System Plans Page

Lot diagram and sewage system plan (drawing must be accurate, to scale, indicate north point and show the following):
(a) Location of sewage system components (e.g. tank(s), leaching bed(s), etc). Locate and show horizontal distances from system to adjacent existing or proposed buildings, water supplies (including neighbours), existing on-site systems, driveways, property lines, lakes, rivers, springs, water courses, swimming pools.
(b) Lot dimensions topographic features (e.g., swamps, steep slopes) near system.

Benchmark 1 square = _____ (metres or feet) **DRAW TO SCALE**

SEE ATTACHED DRAWINGS

Sept. 30 2020

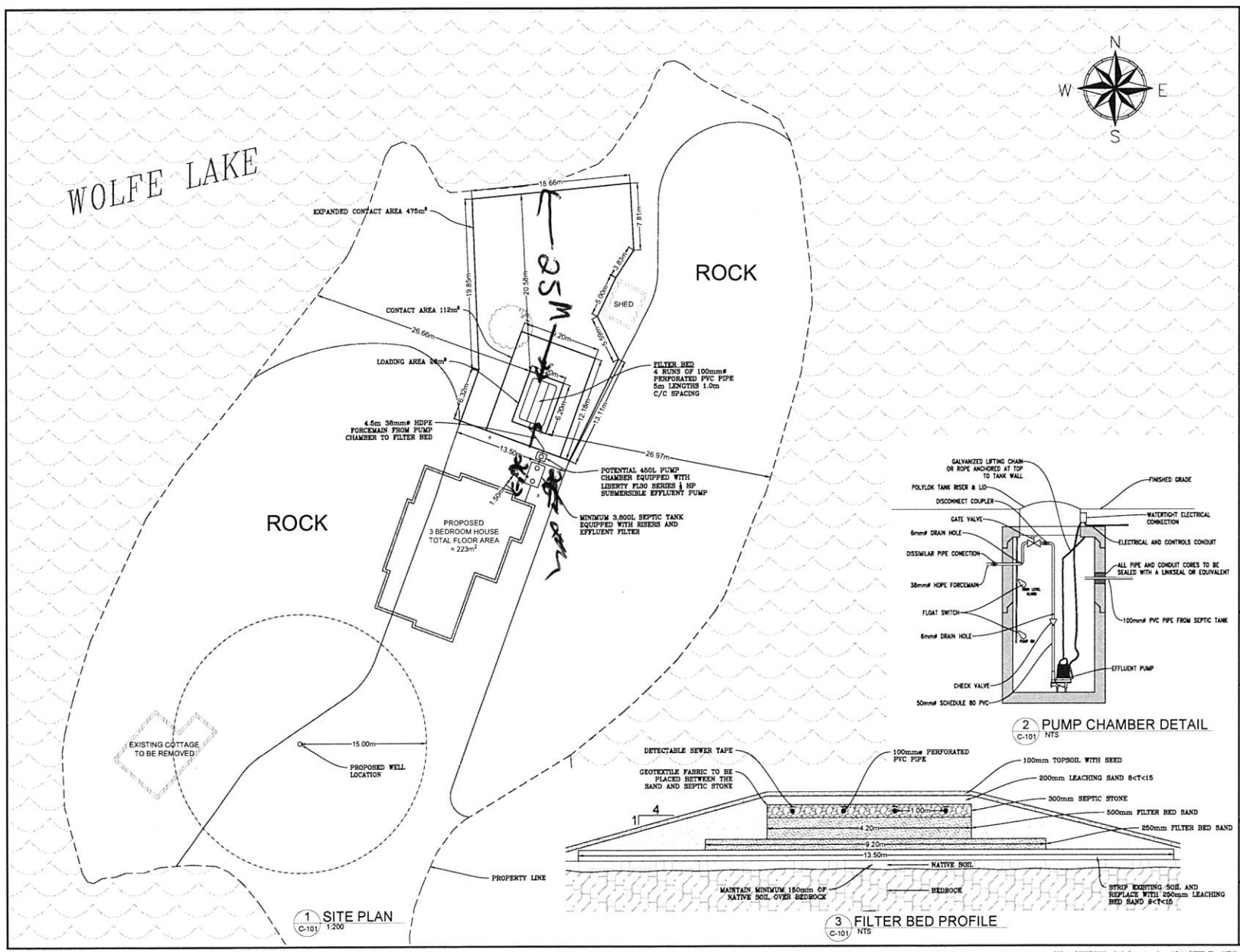
Sewage System Cross Section (For new sewage systems only)

☒ Approved ☐ Rejected (See recommendations on previous page)

Inspector: _____ Date: Sept. 29, 2020

Chief Building Official: _____ Date: 2020-09-30

Permit to install a Class 2, 3, 4, 5 Sewage System under section 8-(1) (2) of the Building Code Act, S.O. 1992, C.23. This permit is issued to the owner to construct, install, alter, extend, enlarge or continue to use a Class 4 sewage system. Any person who is not issued a permit may apply to the Building Code Commission for any issues involving the Building Code or Compliance to the Code.



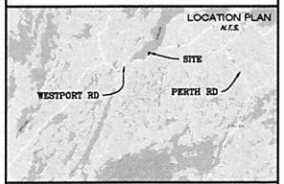
1 SITE PLAN C-101 1:200

2 PUMP CHAMBER DETAIL C-101 NTS

3 FILTER BED PROFILE C-101 NTS

Groundwork Engineering Limited
GEOTECHNICAL • CIVIL • STORMWATER • ONSITE WASTEWATER
UNIT 640 - 654 NORRIS COURT
KINGSTON, ONTARIO
OFFICE (613) 634-1789

LOCATION PLAN N.T.S.



NOTES:

1. SEPTIC STONE GRADATIONS AS PER OBC 8.7.3.3
2. THE HEADER AND DISTRIBUTION LINES SHALL BE INSTALLED AS PER OBC 8.7.2.2
3. SEPTIC TANK TO BE EQUIPPED WITH RISERS AND EFFLUENT FILTER
4. EFFLUENT FILTER AS PER OBC 8.8.2.1.(2)
5. FILTER BED SAND AS PER OBC 8.7.4.1
6. STRIP ALL EXISTING TOPSOIL IN THE AREA OF FILTER BED
7. GEOTEXTILE TO BE NON WOVEN NEEDLE PUNCHED POLYPROPYLENE TERRAFIX 270R OR EQUIVALENT
8. SUBMERSIBLE SEWAGE PUMP TO BE LIBERTY LE30 SERIES ½ HP OR EQUIVALENT INSTALLED INSIDE PUMP CHAMBER
9. CONTROL PANEL TO BE SJE RHOMBUS EZ SERIES SIMPLEX DEMAND DOSE CONTROL PANEL 120V, 15 AMP OR APPROVED EQUIVALENT.
10. CONTROL PANEL WITH ALARM MOUNTED WITHIN HOUSE. SEAL ALL DUCTS ENTERING BUILDING WITH EYES FITTINGS TO PREVENT GAS TRANSFER
11. ALL ELECTRICAL WORK AS PER OBC AND ELECTRICAL SAFETY AUTHORITY
12. FORCEMAIN TO BE SELF DRAINING

CALCULATIONS AS PER ONTARIO BUILDING CODE PART 8
DAILY SEWAGE FLOW DETERMINATION
PROPOSED HOUSE
- 3 BEDROOMS = 1,600 L/D
- FIXTURES NUMBER 24 5 = 20 = 225 L/D
- TOTAL FLOOR AREA = 223m² > 223 = 300 L/D

TOTAL (Q) = 1,900 L/DAY

SEPTIC TANK SIZING
-RESIDENTIAL 1,900L/DAY X 2 = 3,800L/DAY

MINIMUM SEPTIC TANK VOLUME = 3,800L

LOADING
EXISTING SOIL
T-TIME = 50
EXPANDED CONTACT AREA = 475m²

FILTER BED:
FLOW RATE < 3000L/DAY
THEREFORE USE Q/75
LOADING AREA=26m²
CONTACT AREA=112m²

REVISIONS

No.	Description	Date
1	ISSUED FOR REVIEW	SEPT 8, 2020

BENCHMARK:

No.	DESCRIPTION	ELEVATION
##.	XXX	XXX.XX

ONTARIO PROFESSIONAL ENGINEER M. H. BURGER PROVINCE OF ONTARIO

Client / Land Owner:
JEFTA & CAITILIN MONSTER

Project:
4407 WESTPORT ROAD
WESTPORT ONTARIO

Drawing Title:
SEPTIC PLAN

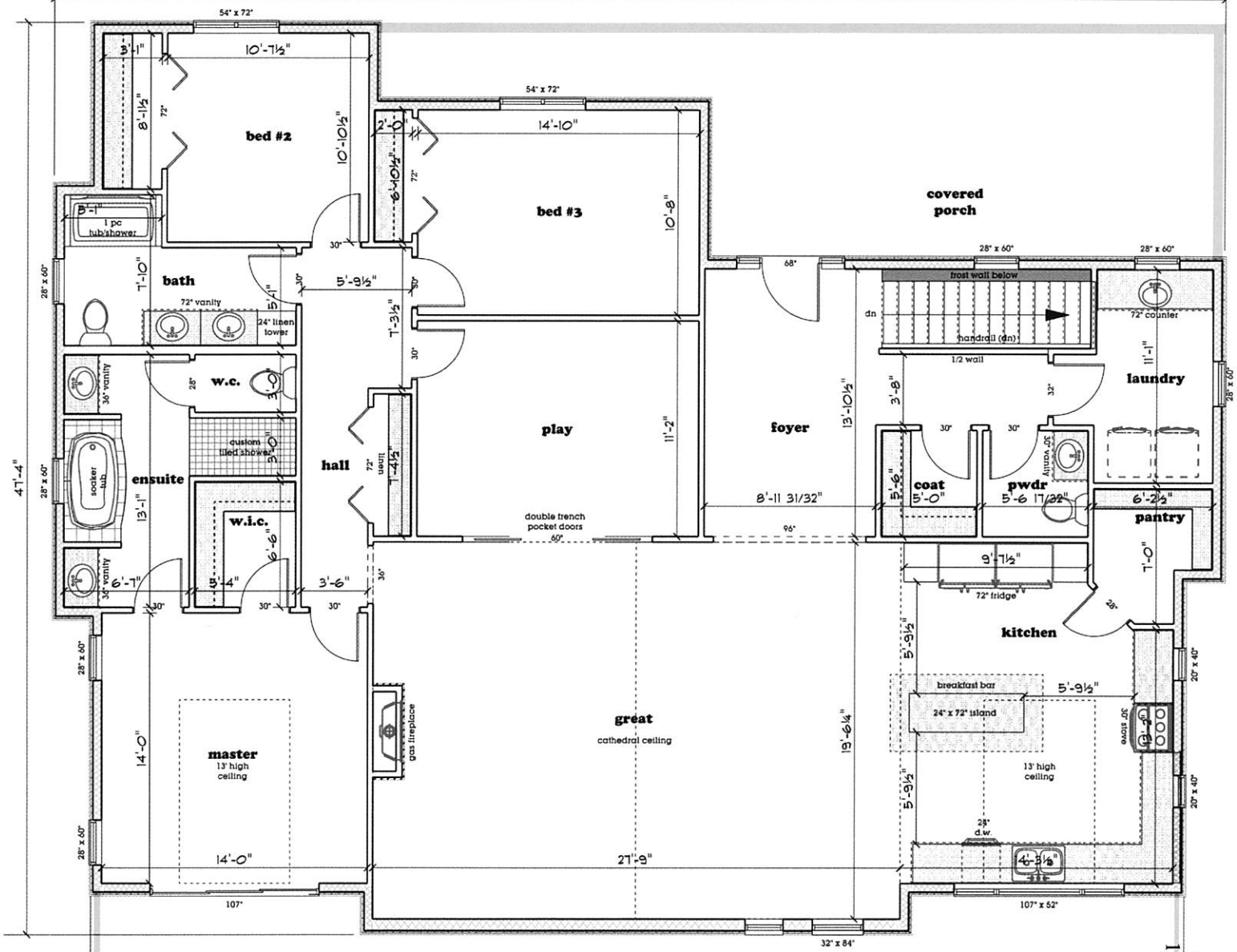
Drawn By: JH	Project Number: GW-20002-33
Checked By: MB	Drawing Number: C-101
Page Size: 24"x36"	SHEET 1 of 1
Scale: 1:200	
Date: SEPT 8, 2020	

P:\Projects\20000\20002 - Septic System Inspection and Design\20002-33 - 4407 Westport Rd\02 - Design\03 - Drawings\01 - Preliminary Design (Pre-Submission)\GW-20002-33.dwg 9/8/2020 12:31 PM

Sept. 30, 2020

BE-32-20

CONTRACTOR/HOME OWNER TO CONFIRM ROOF PITCH & SPAN PRIOR TO ORDERING TRUSSES



Main floor plan (9' - 1" stud wall height)

January 2020

ATKINSON Home building centre
5276 Hinchinbrooke Road,
Hartington ON. K0H 1W0
Tel: (613) 372-2838
Fax: (613) 372-0009

© COPYRIGHT ATKINSON Home Building Centre

BEAVER HOMES & COTTAGES

Client:
Caitilin & Jefta Monster
4407 Westport Rd,
Westport, ON.
K0G 1X0

Project:
Custom Rideau
Area = 2398
Date = June 26, 2020
Scale = 3/16" = 1' - 0"

Revisions:

Designer:
Shawn Duce
B.C.I.N # 19460
Firm B.C.I.N. # 30420
Province of Ontario B.C.I.N. Certification

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 (unless noted otherwise). 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 written permission.

These plans form the basis for permit issuance & any deviation from these plans &details; including the ventilation system, heating system, woodstoves, fireplaces, decks, balconies & finished basements will require a revised drawing & clearance by the building department. In the event that any engineered details are required, in addition of these drawings, it will be the responsibility of the home owner/contractor to provide.

APPROVED BY:

DRAWING# **S - 3**

Sept. 30 2020

BE-32-20

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 2, 2020
Application No: MV-35-20-B
Owners: Jefta and Caitlin Monster
Location of Property: 4407 Westport Road
Purpose of Application: To vary Sections 5.8.2a and 10.3.1 of Zoning Bylaw 2003-75
Date of Hearing: October 8, 2020

Recommendation: That provisional approval be:

_✓_ granted with conditions (attached)

___ deferred

___ denied

Purpose: _✓_ zoning relief for construction of a new structure

___ zoning relief for replacement to an existing structure

___ zoning relief for other

Official Plan Designation: Rural	**Zoning:** Limited Service Residential –Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a new single-detached dwelling with covered porch with a setback of 18 metres (59.2 feet) from the highwater mark of the eastern and western shorelines, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Highwater Mark Setback and Front yard	**Relief:** To permit a new single-detached dwelling with covered porch with a highwater mark setback and front yard setback of 18 metres (59.2 feet), whereas the By-law requires a 30 metre (98.4 feet) front yard and setback from the highwater mark for the principal building.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the land, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit a single detached dwelling with attached covered porch within the required front yard and highwater mark setback.

The subject property is accessed by a right of way located off Westport Road, and is municipally known as 4407 Westport Road. The parcel is 2.2 acres (0.89 hectares), has waterfront on Wolfe Lake and is located within 120 metres of the Provincially Significant Wolfe Lake Wetland Complex. The subject parcel is composed of a mainland portion and a peninsula. The mainland portion includes a sleeping cabin. The existing sleeping cabin is 23.8 square metre (256 square feet) in size and located 11.6 metres (38 feet) from the highwater mark. The peninsula is 64 metre (210 foot) wide and includes a cottage and shed. The existing cottage is 72 square metres (775 square feet) and located 7.62 meters (25 feet) from the highwater mark. The existing cottage consists of two storeys and is 5.5 metres (18 feet) in height. The shed is 15 square metres (162 square feet) and located 14.6 metres (48 feet) from the highwater mark.

The applicants propose to demolish the existing cottage and to build a single detached dwelling. The dwelling would be located in the centre of the peninsula in a depression between two ridges. The dwelling will be 18.8 metres x 18.5 metres (61.6 feet x 60.4 feet) and 348 square meters (3720.64 square feet) in size, including covered porches. The dwelling with covered porches would be 18 meters (59.2 feet) from the highwater mark of the eastern and western shorelines. The dwelling also include a lower level walkout garage under the house. The new septic system will be located on the peninsula to the south of the dwelling.

Agency and Public Comments

Public Services – Public Services was not circulated due to the location and nature of the proposed development.

Building Department –The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

KFL&A Public Health – Comments received from KFL&A Public Health on September 29, 2020, indicate KFL&A Public Health has no objections to the minor variance as the owners have submitted an application under permit number BE-32-20. However, Public Health recommends including the septic system on minor variance within 30 metres (25 metres – 82 feet) from high water mark.

Rideau Valley Conservation Authority – Comments received from Rideau Valley Conservation Authority staff on October 2, 2020 indicate that their office has no objection to this application. RVCA staff recommend several conditions to implement through the Committee of Adjustment decision or through an agreement. These conditions relate to managing surface and roof water runoff, installing sediment and erosion control measures, requiring an existing vegetation plan, and providing notice of RVCA regulatory requirements.

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

Planning Analysis Summary

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:

1. Does the variance maintain the general intent and purpose of the Official Plan?

    - The subject property is designated Rural and Provincially Significant in the Official Plan. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on rural residential development and development within environmentally sensitive areas such as provincially significant wetlands and development adjacent to a lake. It is noted that it is not physically possible to meet the highwater mark setback given that the mainland portion of the property is less than 40 metres deep and the majority of the property is on a peninsula that is 64 metres

wide at its widest point. The proposed dwelling would be located between two ridges on the peninsula for minimal disturbance to the natural vegetation and farthest away from the shoreline. The proposed development will be situated further from the highwater mark than the existing cottage (proposed to be demolished), at the farthest possible setback from the lake.

a) The Wolfe Lake Complex Provincially Significant Wetland is designated an Environmental Protection Area in the Official Plan. Section 5.2.5 Significant Wetlands 'W' states that no new development or site alteration within 120 metres (394 feet) of a provincially significant wetland, nor the expansion or redevelopment of existing development within or adjacent to a provincially significant wetland is permitted unless it has been demonstrated through an Environmental Impact Assessment that there will be no negative impacts on the natural features or ecological functions of the wetland.

- An Environmental Impact Statement Report (Pinegrove Biotechnical, August 2020) was submitted that demonstrates that there would be no negative impact on the wetland and on fish habitat, provided that mitigation measures are implemented as part of the development. The EIS indicated that the reduction in setbacks is not considered to be harmful to existing natural heritage values. The EIS determined that whitefish habitats were found on the southwest portion of the peninsula which should not be disturbed and recommended shoreline alterations which would be subject to Conservation Authority approval and comments. The EIS concluded: "Considering that the entire peninsula has been historically utilized for seasonal residential purposes, and its habitat thereby culturally disturbed, it is concluded that the demolition of the present cottage close to the lakeshore, to be replaced by a modern residence in the centre of the peninsula with setback from the north western as well as south eastern shores will cause no further harmful alterations to Natural heritage Values providing mitigating conditions outlined are implemented." These mitigating conditions include that all earthworks be screened on the downhill side to prevent surface run-off into the lake; all roof runoff be captured by eave troughs and let into re-infiltration pits; and in the event that paving the access lane and parking is required all lane runoff be led to ground re-infiltration pits. Staff recommend that the EIS recommendations should be implemented and enforced through a development agreement as a condition of approval of the minor variance application.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

- Consistent with Official Plan policy, Section 5.8.2 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the highwater mark of a waterbody. Section 10.3.1 of the Zoning By-law details the permitted uses and zone regulations for residential waterfront including setbacks from the highwater mark and front yard. The variances maintain the general intent and purpose of the Zoning By-law, as the proposed single detached dwelling is a permitted use on the property and is located as far away from the waterbody as possible. Additionally, the proposed dwelling is within the permitted lot coverage of the property, which indicates that the proposed footprint is appropriately proportionate to the size of the property.
- For new septic systems, past policy states that their location should be as far as possible for the highwater mark and should be setback at least 30 metres. However, where terrain and soil conditions dictate, reductions to this should be considered based on your elevation of the most suitable location for a proposed new system and, such a reduction should not be subject to the requirement for a minor variance.

3. Is the requested variance desirable for the appropriate development of the land, building or structure in question?

- The variances are desirable for the appropriate development of the land, as the proposed single detached dwelling is consistent with the intended residential use of the property. The location of the new dwelling seeks to maximize setbacks from the highwater mark, and to improve the non-complying water setback of the existing cottage.

4. Is the variance minor?

- The variance is minor, as the proposed single detached dwelling site is a reasonable location for its purpose, and there will be no disturbance to the shoreline as a result of the development, and no disturbance to the main waterfront of Wolfe Lake. There will be no negative impact on surrounding properties as the result of constructing a new detached dwelling at the proposed location as the proposed dwelling is located more than 100 metres from the nearest neighbouring dwelling and the area is heavily forested.

Recommendation

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-35-20-B, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a singled detached dwelling with a setback of 18 metres (59.2 feet) to the highwater mark of Wolfe Lake of the eastern and western shorelines, as per the drawings submitted with MV-35-20-B, attached to the Decision as Schedule “A”.

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 Environmental Impact Statement, prepared by Hans K. von Rosen by Pingrove Biotechnical in August 2020, RVCA’s recommendations received on October 2, 2020 as well as requirements of the Township including a lot grading and drainage plan.

3. 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.

4. Minor variance MV-35-20-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 23, 2020

Attachments: Map of the Monster property

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

Date Received: _____ File No: MV-36-20-L

1. Name of Owner(s): JOAN & LEO PALMA

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: 14 PT Lot Number: 24 RP

Street Number: 1006 Name of Road/Street: SHORTER LANE

Reference Plan Number: 13R16931 Part Number(s): 1 and 3

Roll Number: 040-040-25000-0000

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): 115' Frontage (on road/lane): 215'

Depth: 143' Area: .331 HA

5. The current zoning of the subject land:

RESIDENTIAL

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

BUILDING A NEW HOME, BIGGER THAN EXISTING COTTAGE, A WALKOUT WITH A LOFT, CLOSER TO WATER THAN REQUIREMENTS.

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

DEVELOPING FURTHER FROM water IS IMPOSSIBLE BECAUSE OF HYDO LINES, AND A PERFECT SEPTIC SYSTEM BEHIND US.

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

Name of Road/Lane:

SHORTER 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?

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)** COTTAGE	**(2)** GARAGE	**(3)** SHED	**(4)** DECK
Setback from Front Lot Line	52'	40'	~~5~~4'	40'
Setback from Rear Lot Line	52'	40'	60'	90' ~~81~~
Setback from Side Lot Line	30' | 48'	82' | 6'	86' | 5'	36' | 48'
Height of Building (Also indicate if it is one story or two story)	1 STOREY	1 STOREY	1 STOREY	
Dimensions of Floor Area	22' x 29'	12' x 20'	8' x 10'	12' x 16'
Setback from High Water Mark (If applicable)	52'	40'	74'	40'

13. The proposed uses of the subject land:

---

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

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

Type of Structure (E.g. residence)	**(1)** HOUSE	**(2)** GARAGE	**(3)** DECK	**(4)**
Setback from Front Lot Line	62'	62'	58'	
Setback from Rear Lot Line	51'	61'	81'	
Setback from Side Lot Line	27' | 41'	80' | 6'	41' | 41'	
Height of Building (Also indicate if it is one story or two story)	~~40'~~ 35' ~~40'~~	20'		
Outside Dimensions of Building/Structure	30' x 30'	12' x 20'	4' x 16'	
Setback from High Water Mark (If applicable)	62'	62'	58'	

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:

COTTAGE, GARAGE, SHED

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

OCTOBER 1996

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

1960

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

2020 STILL USING AS COTTAGE — 60 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:

WE HAVE NO WELL - USE 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:

SEPTIC SYSTEM

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

NO

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.

WE SOLD 50'x50' to neighbour S008035

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

THIS 9 DAY OF September, 20 20

I, LEO PALMA OF Kingston

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Leo Palma
Signature of Applicant or Authorized Agent

Joan Palma
Signature of Applicant or Authorized Agent

DECLARED before me at the TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)

THIS 9th DAY OF September, 20 20

A Commissioner, etc.

Michelle Katherine Hannah, a Commissioner, etc., Province of Ontario, for the Corporation of the Township of South Frontenac. Expires April 17, 2022.

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.

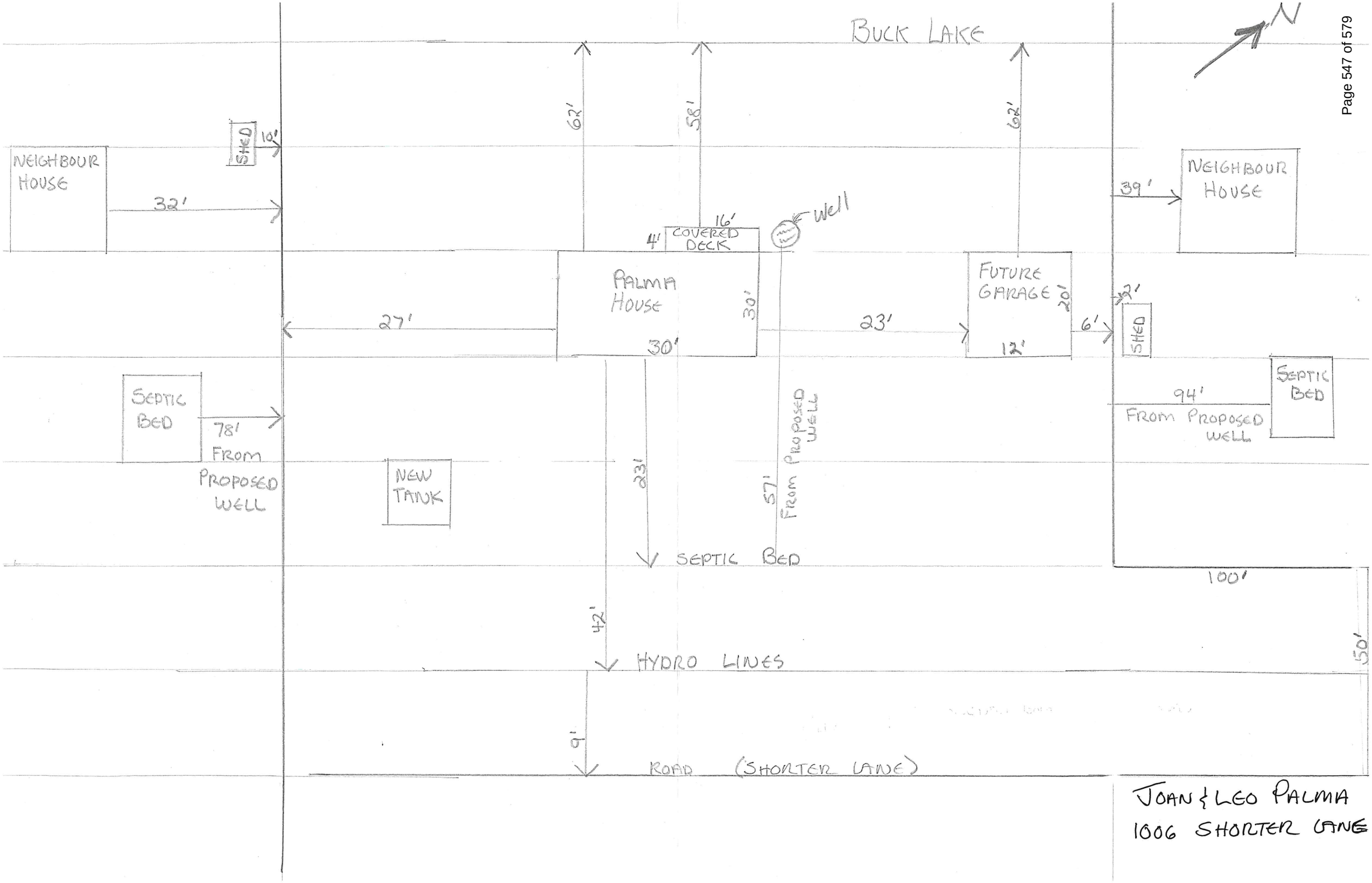
4) Frontage, depth, area, acres: All parts of this question must be completed.

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.

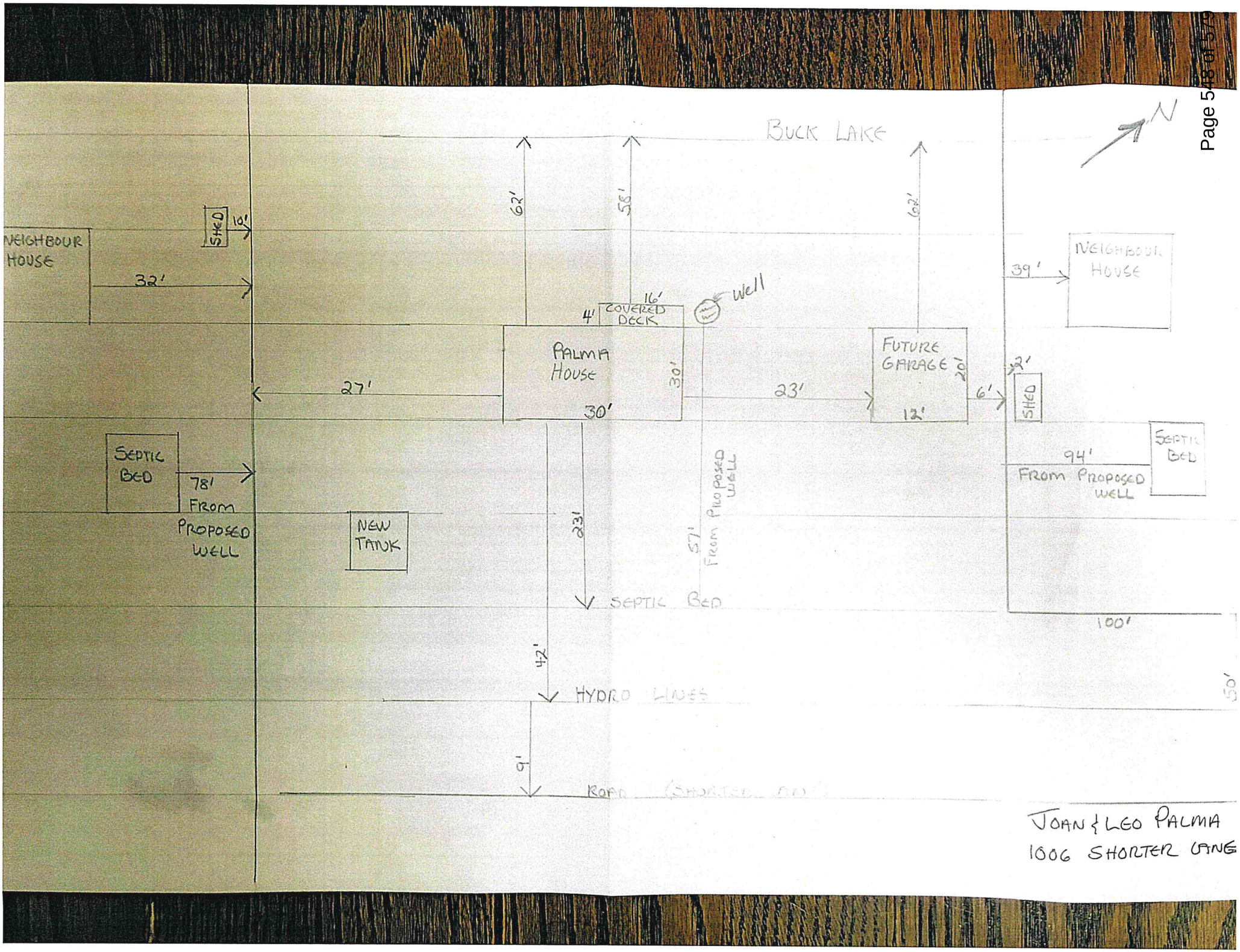
6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

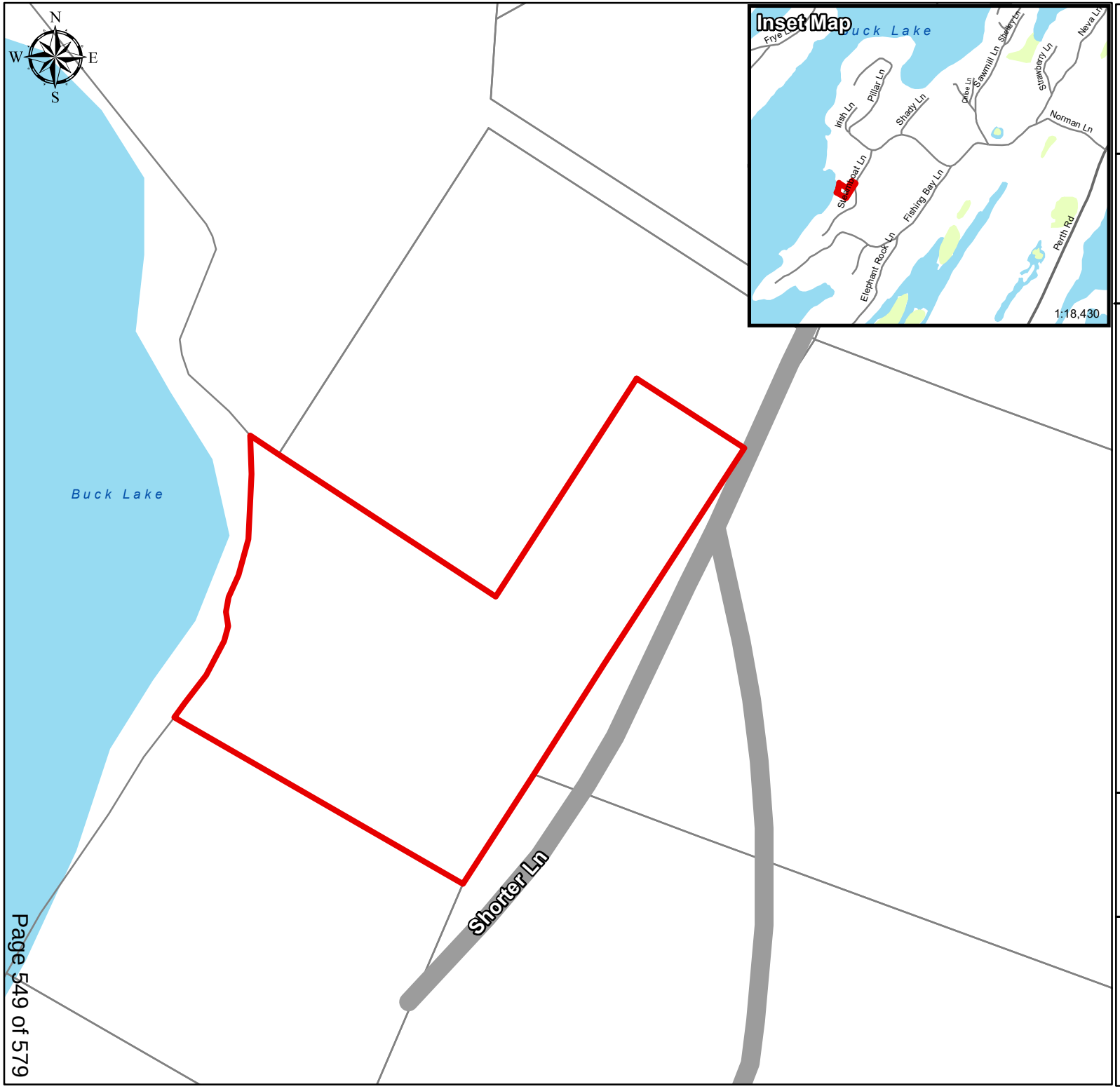
7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of 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).



JOAN & LEO PALMA
1006 SHORTER LANE


BUCK LAKE
N
62'
58'
62'
SHED
10'
NEIGHBOUR HOUSE
32'
16'
4'
COVERED DECK
Well
PALMA HOUSE
30'
30'
27'
23'
FUTURE GARAGE
20'
12'
6'
2'
SHED
39'
NEIGHBOUR HOUSE
SEPTIC BED
78' FROM PROPOSED WELL
NEW TANK
23'
57' FROM PROPOSED WELL
94' FROM PROPOSED WELL
SEPTIC BED
SEPTIC BED
100'
42'
HYDRO LINES
50'
9'
ROAD (SHORTER LANE)
JOAN & LEO PALMA
1006 SHORTER LANE



MV-36-20-L
(Palma)

1006 SHORTER LANE

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

Scale 1:622

0 1.75 3.5 7 10.5 14

Meters

UTM Projection NAD 83

September 30, 2020 File: MV/FRS/191/2020

Sent by E-mail

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

Dear Ms. Geladi:

Re: Application for Minor Variance MV-36-20-L (Palma)
Part Lot 24, Concession 14; 1006 Shorter Lane
Loughborough District, Township of South Frontenac
Waterbody: Buck Lake

Cataraqui Conservation staff 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 30, 2020.

Summary of Proposal

The proposal involves the construction of a single-family dwelling and a garage 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 17.67 metres in order to permit the construction of a dwelling (including deck).
- 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 18.9 metres in order to permit the construction of a garage.

Site Description

The property is located on the east side of the north branch of Buck Lake. The topography of the site can be characterized as having a high bank adjacent to the lake with a relatively flat plateau area between the top of bank and the property line to the east where the dwelling and garage are proposed to be located.

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. Buck Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township.

Discussion

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

Natural Hazards

Flooding: Cataraqui Conservation does not have floodplain mapping for Buck Lake. The maximum recorded water level for Buck Lake is 133.16 metres geodetic. For Buck Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation’s Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

Erosion: Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 3 (vertical):1 (horizontal), plus an access allowance of 6 metres, or 6 metres from the stable top of valley. Staff note that the proposed development will be located outside of the erosion hazard allowances described above. 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, Cataraqui Conservation’s Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Also, as noted above, Buck 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 of the Official Plan suggests all development or site alterations proposed within 30 metres of the highwater mark of a designated Lake Trout Lake requires the submission of an Environmental Impact Assessment (EIA) and that a Lake Impact Assessment may also be required. However, in the opinion of staff, 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.

Staff note that the development proposal is located in a reasonable location since there is limited opportunity to locate development outside of the water setback due to site constraints, the development complies with the maximum lot coverage provisions in the Zoning By-law, and the proposed development will be further away from the highwater mark than existing development. Therefore, staff are not convinced that an EIA is required in this instance.

If approved, staff recommend that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and Cataraqui Conservation.

Recommendation

Staff have no objection to the approval of application MV-36-20-L based on our consideration for natural hazard, natural heritage and water quality policies.

Ontario Regulation 148/06

Cataraqui Conservation, 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 valley land. The valley of Buck Lake is considered to extend inland to the top of the slope. It appears that the proposed development is within the 15 metre adjacent lands to the top of valley, and therefore, a permit will be required for the proposed development under said regulation. 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 the undersigned at (613) 546-4228 extension 244 or by e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Joan & Leo Palma, applicants (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

KFL&A Public Health

REQUESTS FOR COMMENTS

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

To:	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario K0H 2T0
Application Number:	MV-36-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Palma, Joan & Leo
Location:	Concession 14, Part Lot 24; RP # 13R16931 Parts 1 & 3 1006 Shorter Lane; Buck Lake Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	KFL&A Public Health has no objections to the proposed minor variance.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	September 25, 2020

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.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 1, 2020

Application No: MV-36-20-L
Owners: Joan and Leo Palma
Location of Property: 1006 Shorter Lane
Purpose of Application: To vary Sections 5.8.2a), 10.3.1 & 10.3.2 Zoning By-law 2003-75
Date of Hearing: October 8, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose:

✓ zoning relief for construction of a new structure

✓ zoning relief for replacement of an existing structure

___ zoning relief for other

Official Plan Designation: Rural	**Zoning:** Limited Service Residential Waterfront Zone (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a single detached dwelling with an attached covered deck with a highwater mark setback of 18.9 metres (62 feet) and 17.7 metres (58 feet), respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. **Relief:** To permit an accessory building (detached garage) with a highwater mark setback of 18.9 metres (62 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the high water mark for all buildings and structures.
Section 10.3.1: RLSW Zone – Principal Building : Highwater Mark and Front Yard	**Relief:** To permit a single detached dwelling with an attached covered deck with a front yard and highwater mark setback of 18.9 metres (62 feet) and 17.7 metres (58 feet) respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the front yard and from the highwater mark for the principal building.
Section 10.3.2: RLSW Zone - Accessory Buildings : Highwater Mark and Interior Side Yard	**Relief:** To permit an accessory building (detached garage) with a highwater mark setback of 18.9 metres (62 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the high water mark for accessory buildings and structures. **Relief:** To permit an accessory building (detached garage) with a setback of 1.8 metres (6 feet) from the interior side lot line, whereas the Zoning By-law requires a minimum 3 metre (9.8 foot) interior side yard.

Review

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

- ✓ Conforms to the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Conforms to the general intent and purpose of the Township of South Frontenac Official Plan;
- ✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;
- ✓ Is desirable for the appropriate development of the land, building or structure in question; and
- ✓ Is minor.

Proposal

An application for minor variance has been received to permit a single detached dwelling with an attached covered deck within the required minimum 30 metre front yard and setback from the highwater mark, and a detached garage within the interior side yard and within the 30 metre setback from the highwater mark.

The subject property is located at the end of Shorter Lane, off Steamboat Lane, off Normal Lane, off of Perth Road, municipally known as 1006 Shorter Lane. The subject property is 0.44 acres (0.18 hectares) and has water frontage on Buck Lake. Buck Lake is a highly sensitive lake trout Lake. The subject property contains an existing 59 metre^2 (638 feet^2) single detached dwelling with 18 metre^2 (192 feet^2) attached deck located 15.8 metres (52 feet) and 12.2 metres (40 feet) respectively from the highwater mark of Buck Lake. The subject property also contains a 22.2 metre^2 (240 feet^2) detached garage located 12.2 metres (40 feet) from the highwater mark of Buck lake with an interior side yard of 1.8 metres (6 feet). The subject property also contains a 7.2 metre^2 (80 feet^2) shed located 22.6 metres (74 feet) from the highwater mark of Buck Lake. There are hydro lines crossing the subject property to the rear of the dwelling.

The applicants propose to demolish all the existing buildings, and to construct a new dwelling with attached deck and a new detached garage in the same general locations with greater setbacks from the highwater mark of Buck Lake.

The proposed dwelling will be 9.1 metres x 9.1 metres (30 feet x 30 feet) and 83 metre^2 (900 feet^2) in size. The proposed dwelling will be located 18.9 metres (62 feet) from the highwater mark of Buck Lake. The attached covered deck will be 1.2 metres x 4.9 metres (4 feet x 16 feet) and 6 metre^2 (64 feet^2) in size with a highwater mark setback of 17.7 metres (58 feet). The lot coverage for the principal building is 5%.

The proposed detached garage will be 22.2 metre^2 (240 feet^2) located 18.9 metres (62 feet) from the highwater mark of Buck Lake. The proposed detached garage will be located 1.8 metres (6 feet) from the north-east interior side lot line.

The application included a letter of support from the neighbouring property owners, Glen and Lee-Anne Mercer, stating that “they are fine with the garage being 1.8 metres (6 feet) from the shared property line.”

Agency and Public Comments

Public Services Department – The subject property is located on a private lane, therefore Public Services was not circulated.

Building Department – The Building Department has advised that they have no objections to the application as presented and will review the detailed plans through the Building Permit process, should the application be approved. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

KFL&A Public Health – Comments received from KFL&A Public Health on September 25, 2020 indicate that they have no objections to the proposed minor variance.

Cataraqui Conservation – Comments received from Cataraqui Conservation staff on September 30, 2020 note that staff have no objections to the approval of the minor variance based on their consideration for natural hazard, natural heritage and water quality policies. Staff recommend that roof

runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township and Cataraqui Conservation.

Ministry of Environment, Conservation and Parks – Comments received from the Ministry of Environment, Conservation and Parks on October 1, 2020 indicate that staff have no concerns regarding the minor variance application.

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

Planning Analysis Summary

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:

1. Does the application conform to the general intent and purpose of the Official Plan?

The subject property is designated Rural in the Official Plan. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited residential development and development within environmentally sensitive areas such as at capacity lake trout lakes and development adjacent to a lake. The proposed development is consistent with the permitted residential use of the property, and the character of Shorter Lane.

a) The subject lands are adjacent to Buck Lake, which is an at-capacity lake trout lake. Section 5.2.8 of the Official Plan requires development on lots of record adjacent to a sensitive lake trout lake ("at-capacity" to be developed in accordance with the policies on Environmentally Sensitive Areas, specifically Section 5.2.7(b)(ii). Section 5.2.7 b)(ii) 3) suggests that proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted subject to evaluation of the merits of the proposal based on the following criteria:

   a) The ultimate gross floor area, building footprint and lot coverage being proposed;
   b) The closeness of the existing dwelling to the highwater; and
   c) The capacity of the lot to accommodate new development at a greater setback from the high watermark.

   In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark.

- The existing dwelling and attached deck have a setback of 15.8 metres (52 feet) and 12.2 metres (40 feet) from the highwater mark of Buck Lake. The existing garage has a setback of 12.2 metres (40 feet) from the highwater mark of Buck Lake. The proposed dwelling and attached covered deck as well as the detached garage are proposed farther back from the highwater mark than the existing buildings, at the farthest possible setback from the lake due to the location of the septic system and hydro lines at the rear of the property. The development will not reduce the highwater mark setback any further.

b) Section 5.2.8 also requires the submission of an Environmental Impact Assessment for development or site alterations proposed within 30 metres (98.4 feet) of the highwater mark

- In consultation with Cataraqui Conservation staff, it was determined that an Environmental Impact Assessment was not necessary for this application as the proposed buildings are located in the same general area of the existing buildings, would be located farther from the lake, and would result in 5% lot coverage.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

- The variances conform to the general intent and purpose of the Zoning By-law, as the proposed single detached dwelling is a permitted use on the property. The proposed dwelling and attached covered deck as well as the detached garage are proposed farther back from the highwater mark than the existing buildings, at the farthest possible setback from the lake due to the location of the septic system and hydro lines at the rear of the property. The detached garage would maintain the same interior side yard as the existing garage. The proposed dwelling, attached covered deck and accessory building are sized within the allowable lot coverage for the RLSW zone.

3. Is the application desirable for the appropriate development of the land, building or structure in question?

- The variances are desirable for the appropriate development of the land, as the proposed dwelling with attached covered deck as well as the detached garage are modest in size and are consistent with the residential use of the property. The proposed development is located in a reasonable location since there is limited opportunity to locate development outside of the water setback due to site constraints, it complies with the maximum lot coverage provisions in the Zoning By-law, and will be further away from the highwater mark than the existing buildings. The proposal represents an improvement of an existing condition since development will be farther back from the lake than the existing development. The neighbours to the east of the property are agreeable to a reduced distance from the shared property line.

Is the application minor?

- The variances are minor, as the proposed dwelling with attached deck and garage would be in reasonable locations for their purpose, and there will be minimal disturbance to the lands between the buildings and the shoreline as a result of the development. There will be no negative impact on surrounding properties as the result of constructing a proposed dwelling with attached covered deck and detached garage at the proposed location.

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-36-20-L, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a 83 metre^2 (900 feet^2) single detached dwelling with a 6 metre^2 (64 feet^2) attached covered porch located 18.9 metres (62 feet) and 17.7 metres (58 feet), respectively, from the highwater mark of Buck Lake, as well as for a 22.2 metre^2 (240 feet^2) detached garage with an interior side yard of 1.8 meters (6 feet), to be constructed as per the drawings submitted with MV-36-20-L.

2. 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.

3. The applicant is required to enter into a site plan agreement to be registered on the title of the property to the satisfaction of the Township to address Township environmental policies and Cataraqui Conservation recommendations.

4. Minor variance MV-36-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 23, 2020

Attachments: Map of the Palma property

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

Date Received: _____ File No: _____

1. Name of Owner(s): JEFF PECK & STEPHANIE BAXTER

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 X Loughborough Storrington

Concession Number: _____ Lot Number: _____

Street Number: 4596 Name of Road/Street: FOX RIDGE TRAIL

1966 LOT 5 PLAN 1491 PARTS 22

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

Roll Number: 1029040010970.5

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): 215 Ft Frontage (on road/lane): 195 Ft

Depth: 533 Ft Area: 1.97 acres

5. The current zoning of the subject land:

R

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

To build an attached garage with a reduced side yard

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

- See attached cover letter

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

Name of Road/Lane:

Fox Ridge Trail

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?

Principal Residence

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

X 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) House	(2) Shed	(3)	(4)
Setback from Front Lot Line	242 FT	400 FT		
Setback from Rear Lot Line	190 FT	100 FT		
Setback from Side Lot Line	West 45 FT East 72 FT	West 170 FT East 20 FT		
Height of Building (Also indicate if it is one story or two story)	One Storey Approx 30 FT	9 FT		
Dimensions of Floor Area	Approx 2800 sq FT	96 sq FT		
Setback from High Water Mark (If applicable)	190 sq FT	100 FT		

13. The proposed uses of the subject land:

No Change

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?

X Yes No

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)
	GARAGE			
Setback from Front Lot Line	Approx 305 FT			
Setback from Rear Lot Line	Approx 190 Ft			
Setback from Side Lot Line	West Approx 5-10 FT East - Approx 164 FT			
Height of Building (Also indicate if it is one story or two story)	Constructed as per CZBL			
Outside Dimensions of Building/Structure	30 x 35 FT			
Setback from High Water Mark (If applicable)	Approx 190 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 X No

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	Yes	X No
(b)	Increase in plumbing fixtures	X Yes	No (if possible) ↳ roughed in bathroom)
(c)	Increase in living space	Yes	X No
(d)	Will the addition or structure encroach on the existing septic system?	Yes	X No

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

2013

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

+/- 2000

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

Approx 20 yrs

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

Private Well

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

Private Septic

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

Ditches Swales

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 X 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).

X 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-36-19 - Approved but never registered will abandon it
Correct MV is approved

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

THIS 4 DAY OF SEPTEMBER, 20 20

I, JEFF PECK OF SYDENHAM

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

DECLARED before me at the TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)

THIS 4th DAY OF SEPTEMBER, 2020

KATHRYN MORNINGSTAR AUBREY-HORVATH
A Commissioner, etc.
LAW SOCIETY OF ONTARIO # 56471P

Jeff Peck
4586 Fox Ridge Trail
Sydenham ON K0H 2T0
peck.ja@kos.net
613-893-6459

8 Sept 2020

Attn Anna Geladi
Township of South Frontenac
Planning Department
100 George St
Sydenham ON K0H 2T0

PECK - PERMISSION TO BUILD AN ATTACHED GARAGE UP TO FIVE FEET FROOM AN INTERIOR LOT LINE

Ms Geladi,

Thank you for taking the time to consider this proposal. Please find enclosed the minor variance application for building a garage up to five feet from my western neighbour lot line. The purpose of the garage is for recreational vehicle and household storage. No new living space would be added, however if approved from the health unit, I would rough in one bathroom.

Background. Last year the committee of adjustment approved MV-36-19. It has not been registered. MV-36-19 granted permission to build a 45x30ft garage in my front yard. If this current proposal is approved I would abandon MV-36-19. I have changed garage plans based on conversation with my neighbours and discussion with Chris Beeg with the SFT Building Department

New Garage Proposal. The attached garage would be located to the immediate south of my driveway. It would be behind my house approx. 190ft from the highwater mark. It would only be as wide the existing driveway. While the walls would be approx. 10ft from the lot line, the overhang would be approx. 7ft. I have attached a couple of marked up pictures to illustrate the intent. I have also attached a letter from the affected neighbour indicating his support

Happy to discuss at your convenience

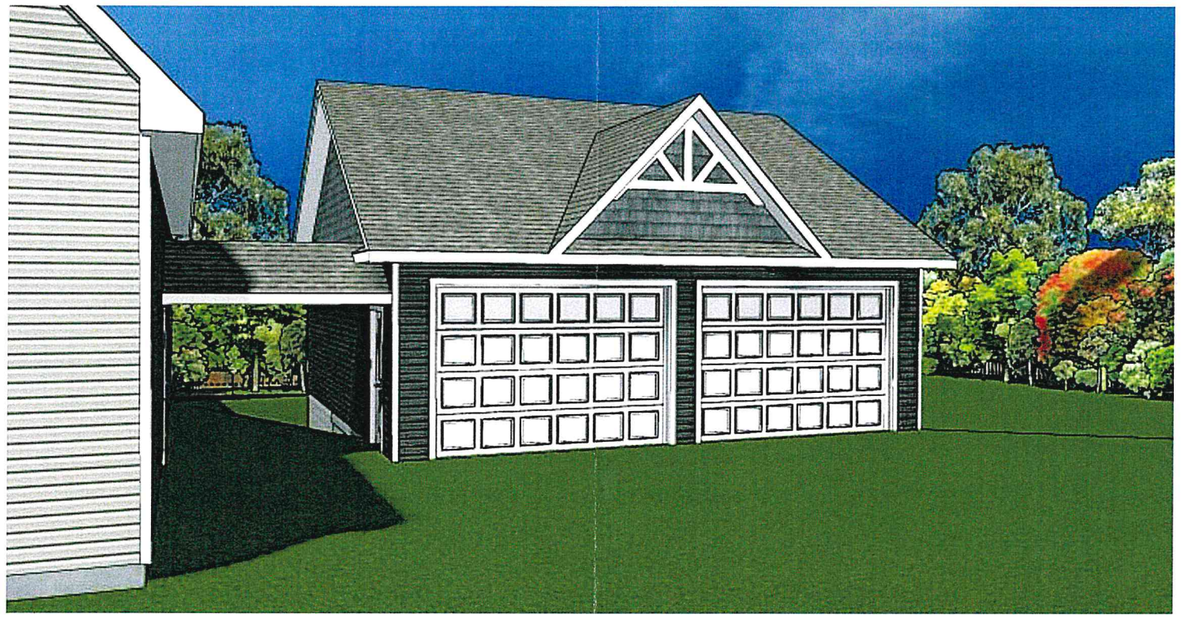
Sincerely,

Jeff Peck

Enclosures (3)
1 – Rendering of Garage
2 – Sketch of Property Taken from Frontenac Mapping with Proposed Location
3 – SFT MV Application

Proposal
1 - 30ft wide x35ft deep Garage
2 - The Garage will align with the existing driveway.
3 - Approx 190ft setback from Sydenham Lake
4 - Approx 300ft setback from Road
5 - Relief requested - To build 5-10ft from my Western Neighbour Lot Line.

3D



Proposed Garage
For: Jeff Peck

4586 Foxridge Trail
Sydenham
K0H 2T0

June 18, 2020

ATKINSON HOME DESIGN

ATKINSON Home hardware building centre

Main Floor Plan

AREA

Proposed Garage
4586 Foxridge Trail
Sydenham
K0H 2T0
For: Jeff Peck

DRAWING # **2 of 4**

DRAWING TITLE **Main Floor**

DATE **June 18, 2020**

SCALE **1/4" = 1'-0"**

DESIGNER **Keith Almond**

ATKINSON Home hardware building centre

5276 Hinchinbrooke Road
Hartington Ontario. K0H 1W0
Tel: (613) 372-2838
Fax: (613) 372-0009

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AREA

Proposed Garage
4586 Foxridge Trail
Sydenham
K0H 2T0
For: Jeff Peck

DRAWING TITLE
Section

DRAWING #
3 of 4

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DESIGNER
Keith Almond

SCALE
1/4" = 1'-0"

DATE
June 18, 2020

John and Jill Senior
4584 Fox Ridge Trail
Sydenham ON K0H 2T0
613-561-1085

8 Sept 2020

Planning Department
Township of South Frontenac
Planning Department
100 George St
Sydenham ON K0H 2T0

LETTER IN SUPPORT OF PECK MINOR VARIANCE

To Whom it May Concern

We are the neighbours to the immediate west of the Peck property. We have reviewed the Peck's Minor Variance application and are aware that he is requesting permission to build an attached garage up to 5 feet from our shared lot line.

We have no objections to this request. If you visit the Peck property you will notice that the proposed garage would be in the best position naturally located at the end of his driveway

Do not hesitate to contact us if you have any questions

John Senior



MV-37-20-L
(Peck)

4586 FOX RIDGE TRAIL

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

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

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

Scale 1:1,000

0 3 6 12 18 24

Meters

UTM Projection NAD 83

KFL&A Public Health

REQUESTS FOR COMMENTS

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

To:	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario K0H 2T0
Application Number:	MV-37-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Peck, Jeff & Baxter, Stephanie
Location:	Plan 1986, Lot 5; RP # 13R14914, Parts 22 to 24 4586 Fox Ridge Trail; Sydenham Lake Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	KFL&A Public Health has no objections to the proposed minor variance.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	September 24, 2020

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.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: October 1, 2020

Application No: MV-37-20-L
Owners: Jeff Peck & Stephanie Baxter
Location of Property: 4586 Fox Ridge Trail, Sydenham
Purpose of Application: To vary Section 12.3.1 of Zoning By-law 2003-75
Date of Hearing: October 8, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose:

✓ zoning relief for construction of a new structure

___ zoning relief for replacement to an existing structure

___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	Residential (R)
Zoning Relief Requested:	
Section 12.3.1 : Residential Zone	**Relief:** To permit an addition to the principal building (attached garage) with a setback of 1.5 metres (5 feet) from the interior side lot line, whereas the Zoning By-law requires a minimum 6 metres (19.7 feet) interior side yard.

Review

This application for a variance:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Conforms to the general intent and purpose of the County of Frontenac Official Plan;

✓ Conforms to the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the lands, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance has been submitted to permit an attached garage within the interior side lot yard required in the Residential zone.

The subject property is located on Fox Ridge Trail, off Deer Run Way, off of Bedford Road, and is municipally known as 4586 Fox Ridge Trail. The parcel is 1.97 acres (0.80 hectares) in size and contains a 260 square metre (2800 square feet) single detached dwelling. The dwelling is setback

approximately 58 metres (190 feet) from the highwater mark of Sydenham Lake. There is also an existing storage shed of 8.9 square metres (96 square feet) on the property located 30 metres (100 feet) from the highwater mark. The land slopes from north to south towards the lake.

The proposed attached garage is 9.1 x 10.7 metres (30 x 35 feet) and 97.5 square metres (1050 square feet) in size. It would be 6 metres (20 feet 11 inches) in height at the front (North side) and approximately 7.7 metres (25 feet 1 inch) in height at the rear due to the elevation of the lot. The proposed location of the attached garage is to the south of the driveway and to the rear and the west of the dwelling, approximately 58 metres (190 feet) from the highwater mark of Sydenham Lake.

The proposed attached garage would result in a 1.5 metre (5 foot) western interior side yard, adjacent to the property addressed as 4584 Fox Ridge Trail.

The application indicates that the purpose for the attached garage is for recreational vehicle and household storage. It would also include a rough bathroom.

A minor variance application (MV-36-19-L) was approved by the Committee of Adjustment to place a 45 x 30 feet attached garage in the front yard. The proposal was changed based on discussions with the neighbours and the South Frontenac Building Department. The applicants state that they would abandon the 2019 minor variance if the current variance request is approved.

The application included a letter of support from the neighbour to the west of the subject property indicating that they are in agreement with the proposed location of the attached garage and “that the proposed garage would be in the best position naturally located at the end of his (the applicants) driveway.”

Agency and Public Comments

Public Services Department – The proposed development meets the front yard setbacks and therefore, Public Services was not circulated.

KFL&A Public Health – Comments received from KFL&A Public Health on September 24, 2020 indicate that they have no objections to the minor variance.

Cataraqui Conservation – Given the location and scope of the proposed development, Cataraqui Conservation was not circulated.

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

Planning Analysis Summary

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:

1. Does the variance maintain the general intent and purpose of the Official Plan?

The subject property is designated Rural in the Official Plan. As per Section 5.7, Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services.

The variance conforms to the general intent and purpose of the Official Plan as the proposed attached garage is consistent with the rural residential use of the property.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

The variance conforms to the general intent and purpose of the Zoning Bylaw as the location of the attached garage complies with the setback requirements of the Residential Zone, with the exception that it is proposed closer to the interior side lot line than the minimum required 6 metres (19.7 feet).

The proposed location of the attached garage is to the south of the driveway and to the rear and the west of the principal dwelling. The proposed location is practical given that there is an existing driveway. As the applicant wishes to have an addition to the attached garage, it is considered part of the principal dwelling instead of an accessory building and is addressed as part of the allowable 20% lot coverage for the principal dwelling.

3. Is the requested variance desirable for the appropriate development or use of the land, building or structure in question?

The variance is desirable for the appropriate development of the land, as the proposed garage is modest in size and is consistent with the residential use of the property. It would be located more than 20 metres from the front property line and road, and the neighbour to the west of the property is agreeable to a reduced distance from the shared property line.

4. Is the variance minor?

The variance is minor as it will not cause any negative impacts as a result of its location. The proposed garage does not cause the dwelling to exceed the maximum lot coverage for principal buildings and complies with the maximum permitted height. The garage would be more than 20 metres from the road of Fox Ridge Trail meeting the minimum front yard setback and the neighbour to the west is agreeable to the location.

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-37-20-L, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a 97.5 square metres (1050 square feet) attached garage with a western interior side yard of 1.5 metres (5 feet), consistent with the drawings submitted with MV-37-20-L.

2. A letter from the applicant to the Township Planning Department confirming the abandonment of the minor variance obtained for a garage through application MV-36-19-L.

3. A building permit is required for ALL 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.

4. Minor variance MV-37-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 23, 2020

Attachments: Map of the Peck property

REPORT TO COMMITTEE OF ADJUSTMENT

DEVELOPMENT SERVICES DEPARTMENT

AGENDA DATE: October 8, 2020

REPORT DATE: October 5, 2020

SUBJECT: Decisions on Delegated Consents

RECOMMENDATION:

THAT the Committee of Adjustment and Council receive this report for information.

BACKGROUND:

The authority to grant undisputed consents is delegated to the Director of Development Services under By-law 2020-27. This report lists the applications which met the criteria for being considered as an undisputed consent and have received provisional consent approval.

Committee of Adjustment is notified for information.

COMMENTS:

a) **S-19-20-P** (Owner & Applicant) Michael Smith (Agent) Ron Smith

Location: Part Lot 5, Concession 14, being parts 1-5 on Plan 13R22033, District of Portland, Township of South Frontenac, Hinchinbrooke Road North, Howes Lake.

This undisputed consent was granted provisional consent on September 14, 2020.

The purpose and effect of this application is for the creation of a new residential lot. The proposed land to be severed is approximately 4.69 hectares (11.59 acres) of vacant land with approximately 125 metres (410 feet) of frontage along Hinchinbrooke Road North and 104 metres (341 feet) of frontage on Howes Lake. The retained lands will be approximately 2.34 hectares (5.77 acres) with approximately 86 metres of frontage on Hinchinbrooke Road North and 109 metres (359 feet) of frontage on Howes Lake.

b) **S-16-20-P** (Owner & Applicant) Carl & Joan Sortberg

Location: Part Lot 1 & 2, Concession 8, Township of South Frontenac, 3412 Vanluven Road and New Morin Road.

This undisputed consent was granted provisional consent on September 15, 2020.

The purpose and effect of this application is for the creation of a new residential lot. The proposed land to be severed is approximately 1.39 hectares (3.44 acres) of vacant land with approximately 153 metres of frontage along New Morin Road. The retained lands will be approximately 55 hectares (135 acres) with approximately 546 metres (1,792 feet) of frontage on Vanluven Road and New Morin Road.

c) **S-17-20-P** (Owner & Applicant) Carl & Joan Sortberg

Location: Part Lot 1 & 2, Concession 8, Township of South Frontenac, 3412 Vanluven Road and New Morin Road.

REPORT TO COMMITTEE OF ADJUSTMENT

DEVELOPMENT SERVICES DEPARTMENT

This undisputed consent was granted provisional consent on September 15, 2020.

The purpose and effect of this application is for the creation of a new residential lot. The proposed land to be severed is approximately 1.1 hectares (2.74 acres) of vacant land with approximately 121 metres (400 feet) of frontage along New Morin Road. The retained lands will be approximately 54.7 hectares (135 acres) with approximately 424.5 metres (1,392 feet) of frontage on Vanluven Road and New Morin Road.

ATTACHMENTS:

None

Submitted by: Michelle Hannah, Planning Assistant and
Secretary Treasurer of Committee of Adjustment

Approved by: Claire Dodds
Director of Development Services