TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT MEETING
AGENDA

TIME: 7:00 PM,
DATE: Thursday, July 9, 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) 5 - 159

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 at the link below:

2. *Call to Order*

a)

3. *Adoption of Agenda*

a)

4. *Declaration of pecuniary interest*

5. *Approval of Minutes – June 11, 2020*

a)

6. *New Minor Variance Applications:*

a) MV-43-19-B (Riddell) 160 - 175
Location: Part Lot 16, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 397 Barr Lane, Bobs Lake
Purpose of Application: To reduce the side yard setback from 3 metres (9.8 feet) to 1.2 metres (4 feet) to permit the construction of a storage shed on an already developed property. The applicant is seeking relief from Section 10.3.2 Limited Service Residential – Waterfront Zone Regulations which requires a 3 metre (9.8 foot) setback from all interior side yard lines.

b) MV-02-20-L (Vanderhaar) 176 - 198
Location: Part Lot 23, Concession 13, District of Loughborough, Township of South Frontenac, Twin Island Lane, Buck Lake.
Purpose of Application: To reduce the rear yard setback from 10 metres (32.8 feet) to 6.5 metres (21.3 feet) to permit the construction of a seasonal dwelling with an attached deck and screened porch on the subject property. Also, to increase the allowable lot coverage for the principal building from 5% to 9.5%. The applicant is seeking

relief from Section 10.3.1 Limited Service Residential – Waterfront Zone Regulations for the minimum rear yard setback and maximum lot coverage.

c) MV-06-20-B (Turney & Varthalitis) 199 - 219

Location: Part Lot 24 & 25, Concession 10, being Part 1 on Plan 13R7305 and Parts 1, 2 & 4 on Plan 13R13675, 721A Lee Road, Wolfe Lake, District of Bedford, Township of South Frontenac

Purpose of Application: To permit the construction of an accessory building, being a detached garage, in the projected front yard of a developed rural waterfront property located in conformity with the front yard setback as set out in the Rural Waterfront (RW) Zone. The applicant is seeking relief from Section 5.24.2 which requires accessory buildings to be located to the rear of the projected front or exterior side wall of the main building.

d) MV-08-20-B (Bumstead) 220 - 243

Location: Part Lot 1, Concession 12, being Parts 10 to 12 on Plan 13R3809, 10 Barrett Lane, Buck Lake, District of Bedford, Township of South Frontenac.

Purpose of Application: To vary section 5.8.2 (a) and 8.3.3 to reduce the highwater mark setback from 30 metres (98.4 feet) to 15 metres (49.2 feet) to permit the construction of a one-and-a-half storey single detached dwelling with a walkout basement and an attached deck on a residential waterfront lot.

e) MV-09-20-L (O'Leary) 244 - 268

Location: Part Lot 16, Concession 3, being Part 1 on Plan 13R3284, 3865 Corkey Road, District of Loughborough, Township of South Frontenac, Loughborough Lake

Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 feet) to 9.14 metres (30 feet) to permit the construction of a deck, to reduce the waterbody setback from 30 metres (98.4 feet) to 16 metres (52.5 feet) to permit an addition on the second storey of the existing dwelling and to increase lot coverage from 5% to 8%. The applicant is seeking relief from Section 10.3 Limited Service Residential – Waterfront Zone Regulations and Section 5.8 Flooding and Shoreline Erosion Hazards as they relate to the 30 metre setback from the high water mark and do not allow for an increase in living space or height of a legal non-complying structure, in addition to maximum permitted lot coverage.

f) MV-11-20-B (Arbeau & Westlake) 269 - 291

Location: Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, 98 Mill Bay Lane, Bobs Lake, District of Bedford, Township of South Frontenac.

Purpose of Application: To vary section 5.10.2 to allow an increase in living space to a Legal Non-Complying Structure, to vary section 5.8.2 a) and 10.3.1 to reduce the highwater mark setback from 30 metres (98.4 feet) to 19 metres (62.3 feet) and to increase the allowable lot coverage from 5% to 8.2% to permit the demolition of the existing deck and main door landing and to permit the construction of an addition to the house in an ‘L’ shape with the dimensions of 4 metres (9.8 feet) x 7.3 metres (23.95 feet) x 8.5 metres (27.9 feet) and new deck with dimensions of 5.5 metres (18 feet) x 3 metres (9.8 feet) x 3 metres (9.8 feet) on a residential, limited services waterfront lot.

g) MV-12-20-P (Yateman) 292 -

	Location: Part Lot 7, Concessions 10 & 11, being Parts 1-3 on Plan 13R6322, 2098 Hambly Lane, Hambly Lake, District of Portland, Township of South Frontenac. **Purpose of Application:** To vary section 5.10.2 to permit the re-construction of the single detached dwelling, on the existing foundation with an increase in height, to be constructed in conformity with the maximum height allowable in the Limited Services Residential – Waterfront (RLSW) Zone, at the reduced highwater mark setback that currently exists on the limited services residential waterfront lot. The dwelling would be constructed as shown in the drawings.	310
h)	MV-15-20-B (Mulder) **Location:** Part Lot 5, Concession 6, being Parts 8 on Plan 13R4370, 9088 Canoe Lake Road, Kingsford Lake, District of Bedford, Township of South Frontenac. **Purpose of Application:** To vary section 5.25.2 to allow construction of an accessory building, being a detached garage in the front yard of a Residential Waterfront Property.	311 - 322
i)	MV-16-20-L (Lackonick & Cole) **Location:** Part Lot 8, Concession 9, being Part 4 on Plan 13R15287, District of Loughborough, Township of South Frontenac, municipally known as 1037 Senior Lane, Cronk Lake. **Purpose of Application:** To vary sections 5.8.2 a) & b) and 10.3.2 to allow the demolition of a dwelling and attached deck located at 4.9 metres (16 feet) from the highwater mark and 0 metres from the top of bank and to construct a shade structure with an attached deck located at 10.9 metres (36 feet) and 8.5 metres (28 feet) respectively from the highwater mark and 4.6 metres (15 feet) and 7 metres (23 feet) respectively from the top of bank.	323 - 344
j)	MV-17-20-B (Fess) **Location:** Part Lot 23, Concession 5, being Lot 22 on Plan 1661, 810 Sunset Shores Lane, Bobs Lake, District of Bedford, Township of South Frontenac. **Purpose of Application:** To vary section 5.24.1 to permit the total lot coverage of an accessory building to exceed the lot coverage of the existing principal building.	345 - 358
k)	MV-18-20-P (McNeely) **Location:** Part Lot 8, Concession 11, being Part 1 on Plan 13R2287, 1124 Storms Lane, Verona Rock Lake, District of Portland, Township of South Frontenac. **Purpose of Application:** To vary sections 5.8.2 a) and 10.3.2, both of which require a 30 metre setback from the highwater mark, to permit construction of a 7.3 metre (24 foot) by 9.1 metre (30 foot) one storey garage to be located at 15 metres (49 feet) from the highwater mark of Verona Rock Lake on a Limited Services Residential Waterfront property.	359 - 369
l)	MV-19-20-L (McDonald) **Location:** Part Lot 24, Concession 14, being Parts 1, 2 & 3 on Plan 13R15545, and Part 2 on Plan 13R19077, 1120 Pillar Lane, Buck Lake, District of Loughborough, Township of South Frontenac. **Purpose of Application:** To reduce the highwater mark setback from 30 metres (98.4 feet) to 24.5 metres (76 feet) and to reduce the side yard setback from 3 metres (9.8 feet) to 1.5 metres (5 feet) to permit the demolition and re-construction of a single detached dwelling with attached deck, attached garage and sunroom. The	370 - 397

proposed home with deck will be slightly larger and taller than the existing structure with attached deck, the construction will be in accordance with the sketch submitted with the application, attached hereto. The applicants are seeking relief from sections 5.8.2 a. and 10.3.1 both require a 30 metre setback from the highwater mark and section 10.3.1 which requires a 3 metre setback from the side yard.

7. *Other Business*

a) Information Report - Delegated Consent Granting Authority - Consents Approved 398 - 399

8. *Adjournment*

a)

Township of South Frontenac
Committee of Adjustment Meeting

Thursday, July 9, 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

- Angela Maddocks (Clerk & Meeting Host)
- Christine Woods (Senior Planner)
- Anna Geladi (Planner)
- Michelle Hannah (Planning Assistant & Secretary Treasurer)
- Claire Dodds (Director)

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
- Minor Variance Applications
- Other Business
- Adjournment

Minor Variance Applications

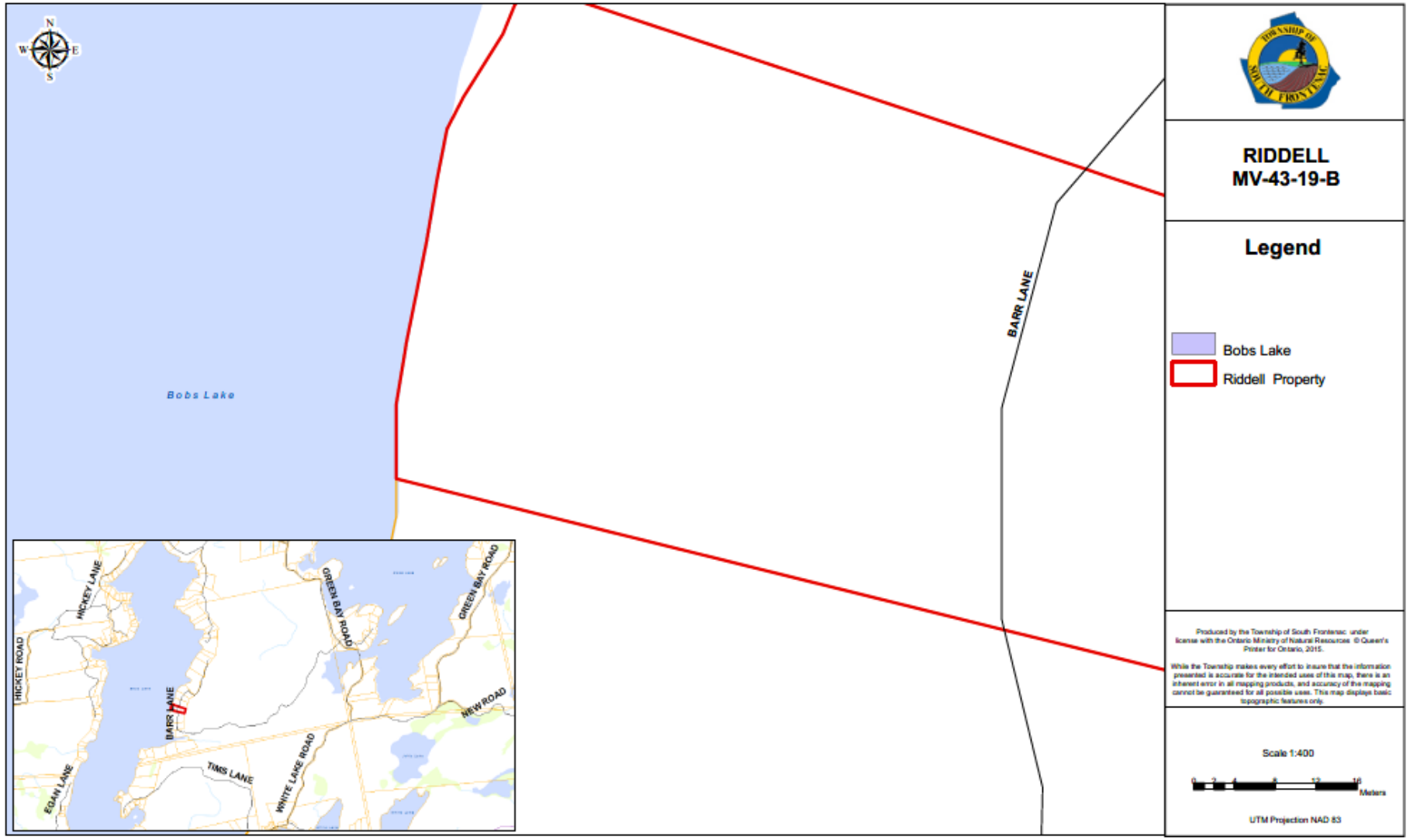
MV-43-19-B

Application: MV-43-19-B
Owners: Paul & Patricia Riddell
Location of Property: Part Lot 16, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 397 Barr Lane, Bobs Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-43-19-B, subject to conditions.

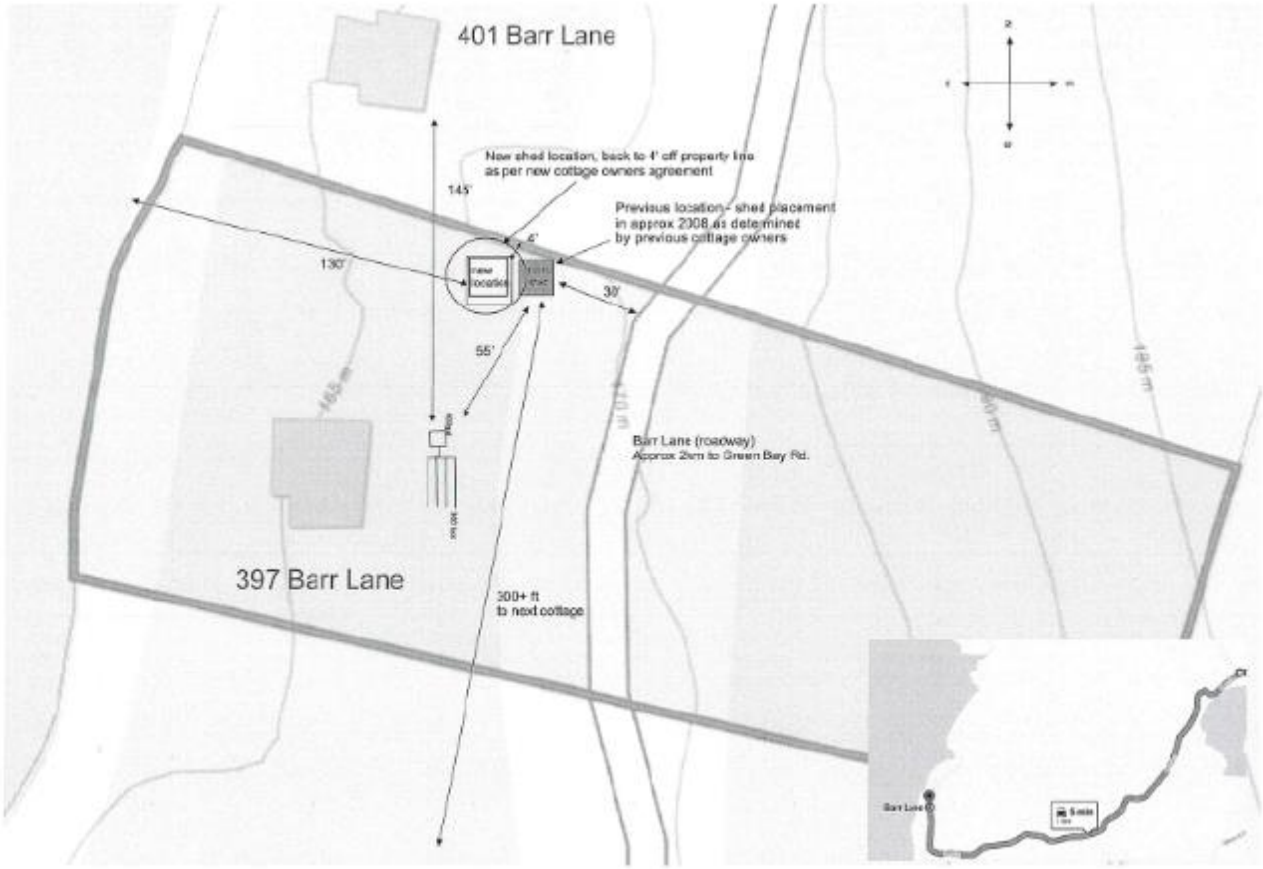
Application: MV-43-19-B
Owners: Paul & Patricia Riddell



Application: MV-43-19-B
Owners: Paul & Patricia Riddell

Proposal:

The Applicants are requesting permission to construct an accessory building (garden shed), situated at 1.2 metres (4 feet) from the side lot line which is less than the minimum 3 metre (9.8 feet) setback from the side lot line required in the RLSW – Limited Services Residential - Waterfront zone.



Application: MV-43-19-B
Owners: Paul & Patricia Riddell

Relief Sought

Official Plan Designation:	**Zoning:**
Rural	Limited Services Residential - Waterfront (RLSW)
Zoning Relief Requested:	
Section 10.3.2 : RLSW Zone	**Relief:** To permit the construction of an accessory building (garden shed) with a setback of 1.2 metres (4 feet) from the interior side lot line, whereas the Zoning By-law requires a minimum of 3 metres (9.8 feet) from the interior side yard.

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

Application: MV-43-19-B
Owners: Paul & Patricia Riddell



Riddell Property with existing cottage and shed

Application: MV-43-19-B
Owners: Paul & Patricia Riddell

Comments

- **Public Services Department** – The property is located on a lane and therefore, Public Services was not circulated.

- **KFL&A Public Health** – No development is proposed in proximity to the septic system on the northwest side of the existing dwelling for this minor variance application, therefore KFL&A Public Health was not circulated.

- **Rideau Valley Conservation Authority** – Given the location and scope of the proposed development, RVCA was not circulated.

- **Public Comments** – At the time of the writing of the report, no written comments had been received from the public.

Application: MV-43-19-B
Owners: Paul & Patricia Riddell

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-43-19-B, subject to conditions.

Application: MV-43-19-B
Owners: Paul & Patricia Riddell

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for all demolition and construction on the property; and
- MV-43-19-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:

- 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.

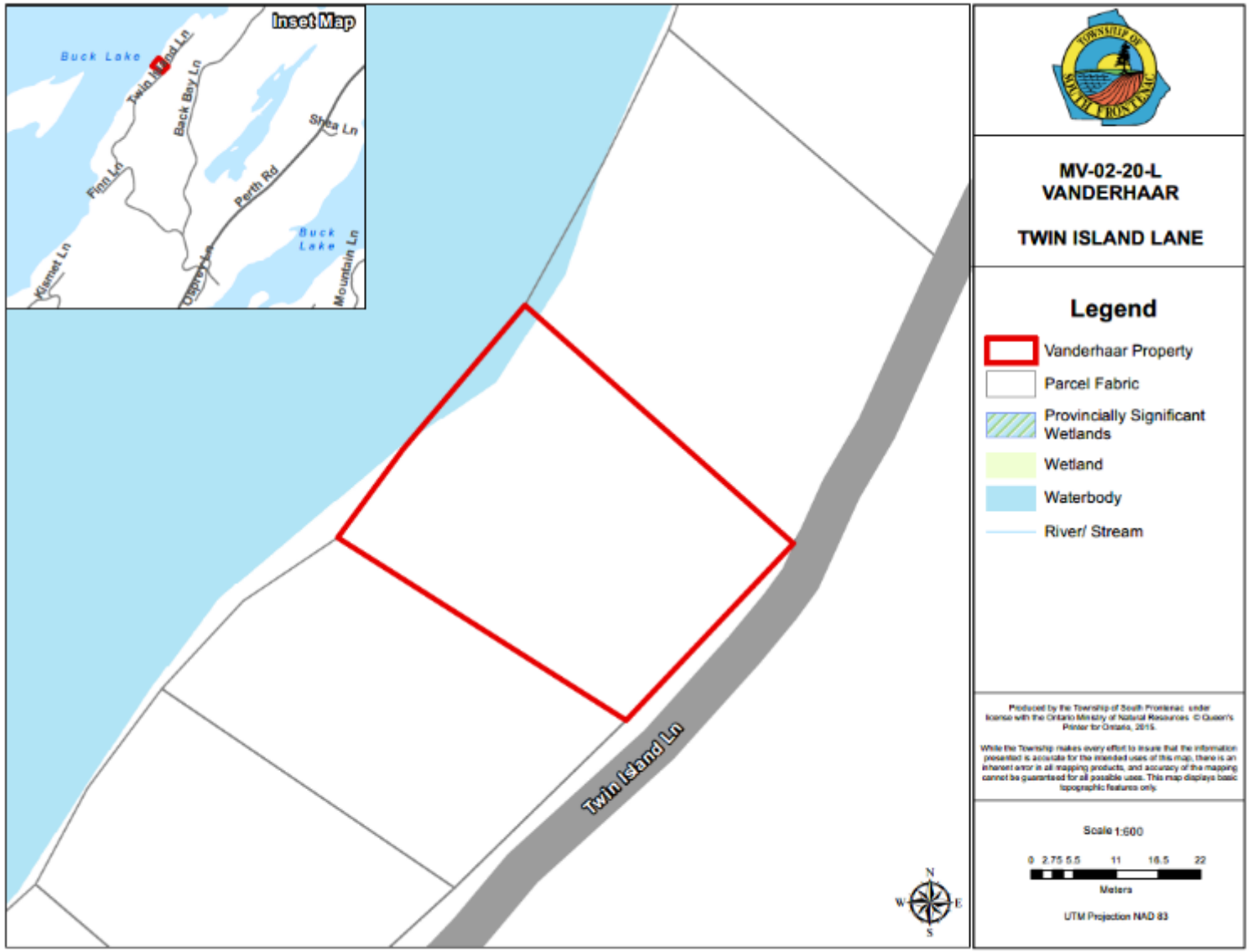
MV-02-20-L

Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar
Location of Property: Part Lot 23, Concession 13, District of Loughborough, Township of South Frontenac, Twin Island Lane, Buck Lake

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-02-20-L to allow time for staff to review comments and for the applicant to respond to comments received from the public, Ministry of the Environment, Conservation and Parks, as well as Cataraqui Conservation.

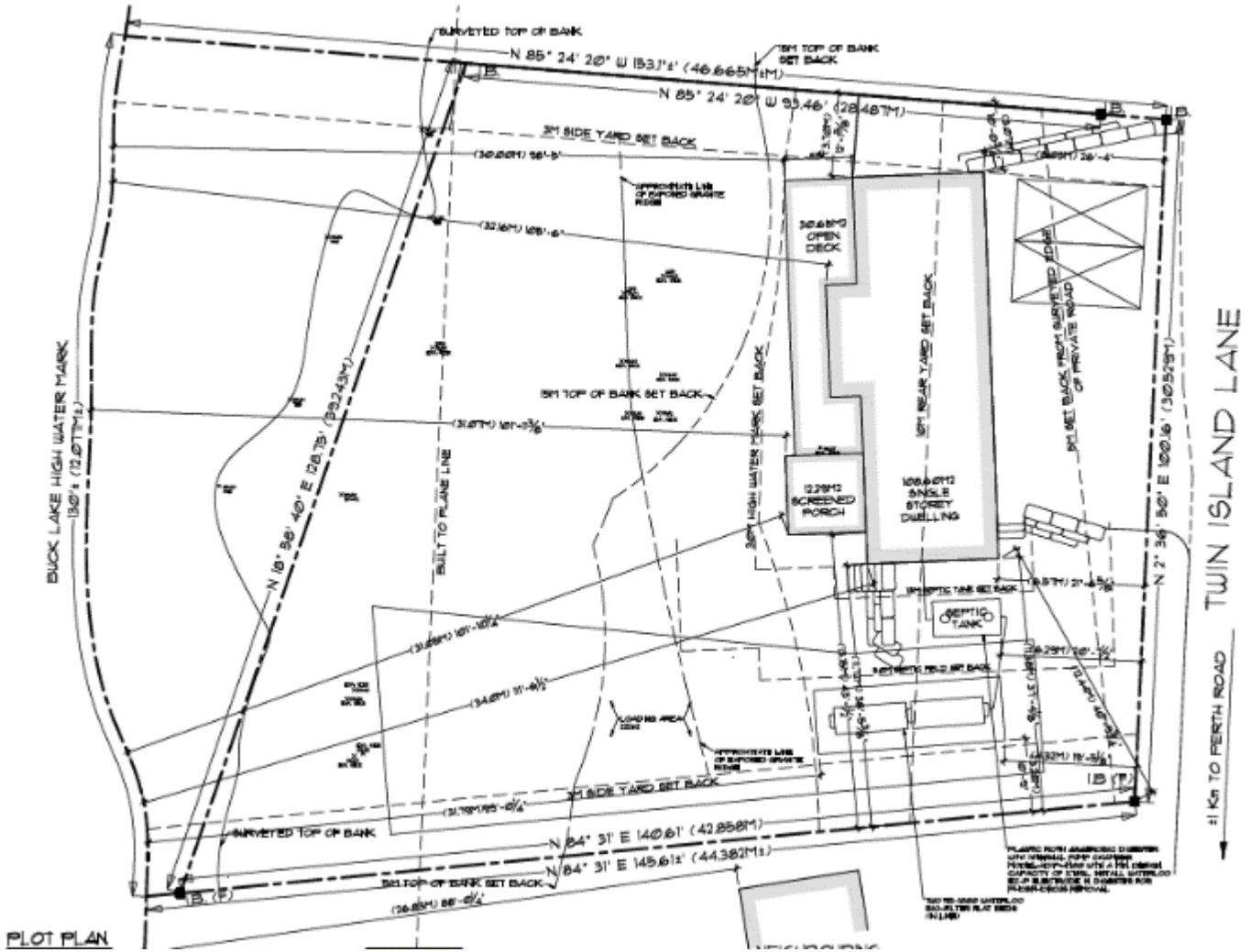
Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar



Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar

Proposal

- The applicants are requesting permission to construct a one-storey seasonal dwelling with a walkout basement and an attached deck and screened porch.
- The dwelling would have a reduced rear yard and increased lot coverage.
- The dwelling would be located a minimum of 30 metres from the high water mark of Buck Lake.
- A new tertiary septic system is proposed to be installed in a location that would comply with zoning requirements, including the minimum 30 metre setback from the highwater mark.



Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar

Relief Sought

Official Plan Designation:	**Zoning:**
Rural	Limited Services Residential - Waterfront (RLSW)
Zoning Relief Requested:	
Section 10.3.1 : RLSW Zone – Rear Yard and Lot Coverage	**Relief:** To permit the construction of a seasonal dwelling with: a) a minimum rear yard of 6.5 metres (21.3 feet), whereas the RLSW zone requires a minimum 10 metre rear yard b) A maximum lot coverage of 9.5%, whereas the RLSW zone allows 5%

Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar



Proposed location of dwelling relative to Twin Island Lane

Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar



View of property from top of bank

Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar

Comments

- **Cataraqui Conservation –** While the revised proposal is certainly preferable to the previous submission, staff continue to be concerned with the size of the building footprint … double the maximum allowable lot coverage. In the opinion of staff, the scale of development that is being proposed is simply too large for the lot. Staff recommend deferral to allow the applicant to consider a reduction to the size of the building.

- **MECP -** The ministry fully supports the proponent's work in moving the footprint of development (septic and dwelling) largely out of the 30 m setback from the high water mark. However, considering the "at capacity" status of the lake and the nature of its sensitivity to ongoing nutrient loading and encroachment pressures the ministry feels that lot coverage limits are an important planning tool that municipalities have to control the size and density of development that would be in keeping with the size of the lot in question. MECP fully supports the planning opinion and position of the Cataraqui Conservation Authority regarding encroachment concerns to the lake, particularly those of lot coverage.

Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar

Comments

- **Public Services Department –** The property is located on a lane and therefore, Public Services was not circulated.

- **KFL&A Public Health –** Following revisions to the site plan, KFL&A Public Health supports the proposed minor variance application. The sewage system is now proposed to be 30 metres from the high water mark of Buck Lake, and more than 15 metres from the top of bank. Further details regarding the sewage system will be addressed at the permit stage.

- **Public Comments –** To date, 4 comments have been received from the public. Two of the comments are supportive of the proposal. One of the comments raise concerns for the impact of additional development on the lake and on Frontenac Provincial Park, as well as on potential precedence of reduced setbacks from the lane.

Application: MV-02-20-L
Owners: Brad & Amanda Vanderhaar
Location of Property: Part Lot 23, Concession 13, District of Loughborough, Township of South Frontenac, Twin Island Lane, Buck Lake

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-02-20-L to allow time for staff to review comments and for the applicant to respond to comments received from the public, Ministry of the Environment, Conservation and Parks, as well as Cataraqui Conservation.

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.

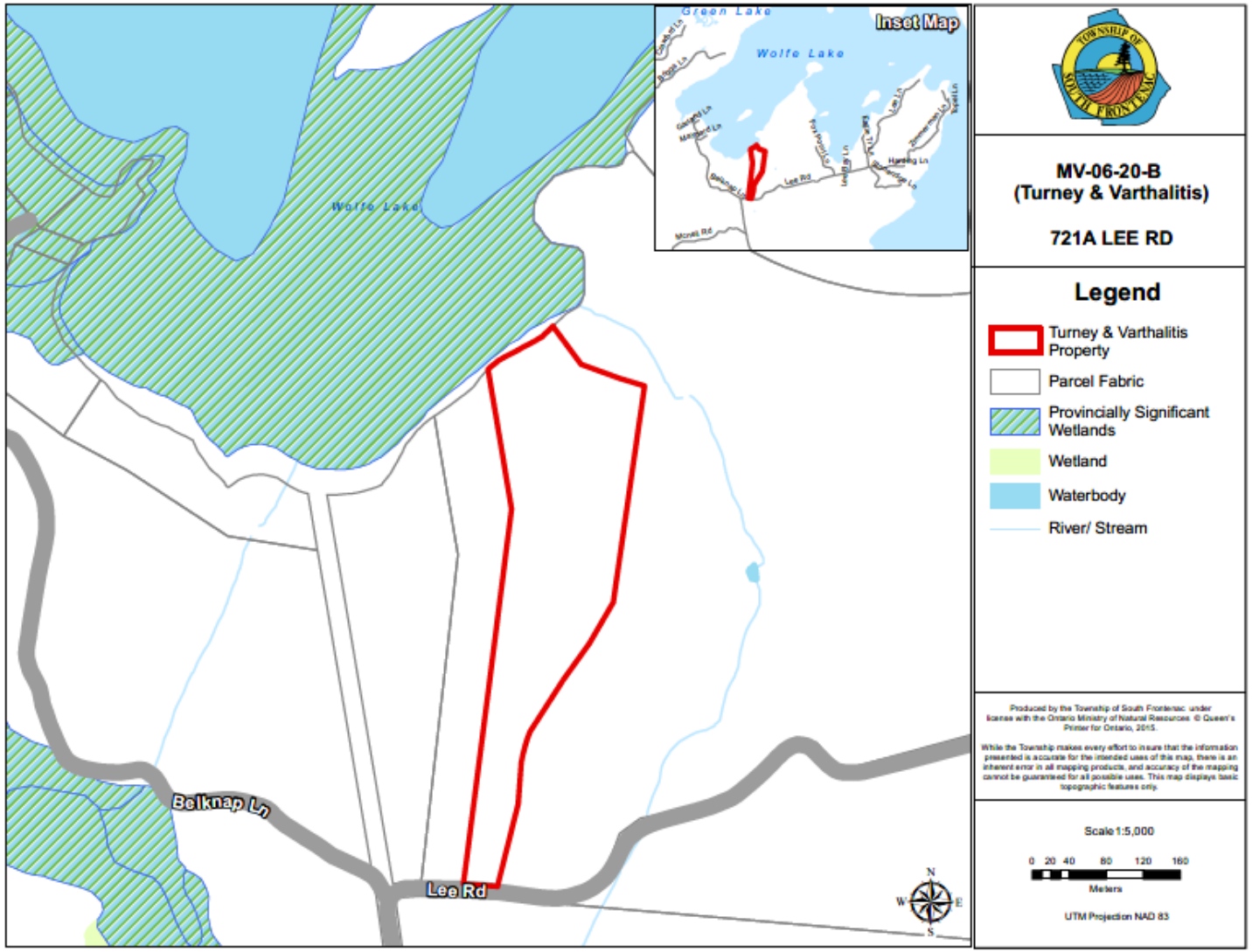
MV-06-20-B

Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis
Location of Property: Part Lot 24 & 25, Concession 10, being Part 1 on Plan 13R7305 and Parts 1, 2 & 4 on Plan 13R13675, 721A Lee Road, Wolfe Lake, District of Bedford, Township of South Frontenac

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-06-20-B, subject to conditions.

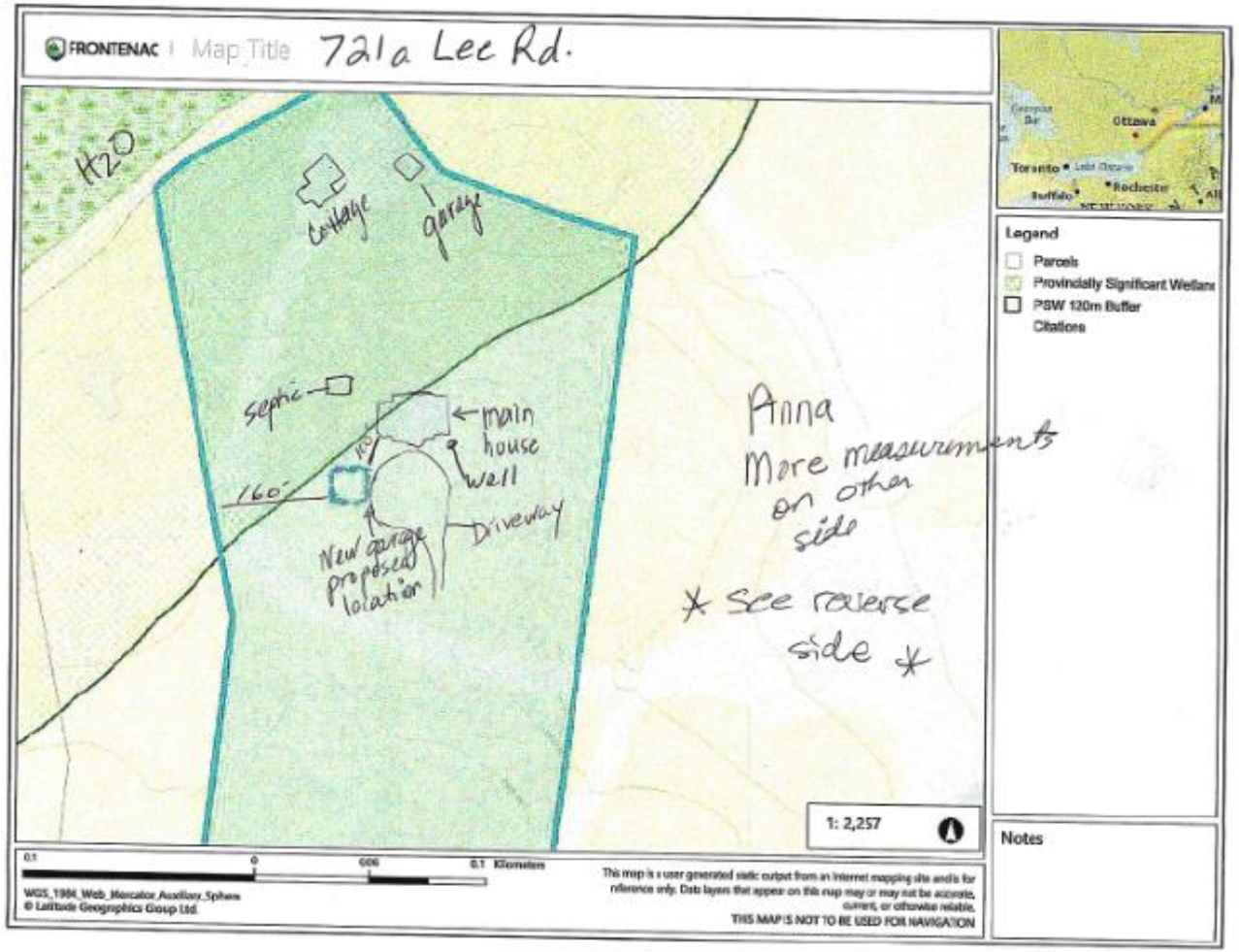
Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis



Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis

Proposal:

An application for minor variance has been received, to permit the construction of a 133 metre^2 (1,440 feet^2) detached garage (accessory building) within the projected front yard of the subject property.



Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis

Relief Sought

Official Plan Designation: Environmental Protection & Rural	**Zoning:** RW – Waterfront Residential zone
Zoning Relief Requested:	
Section 5.24.2: Accessory Buildings	**Relief:** To permit the construction of an accessory building (detached garage) in the projected front yard, whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

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

Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis



Proposed location of the garage

Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis

Comments

- **Public Services Department** – Public Services is satisfied that the location of the proposed detached garage is acceptable, given that it meets the minimum front yard setback for structures in the Residential - Waterfront zone.
- **KFL&A Public Health** – No development is proposed in proximity to the septic system on the northwest side of the existing dwelling for this minor variance application, therefore KFL&A Public Health was not circulated.
- **Rideau Valley Conservation Authority** – 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.
- **Public Comments** – At the time of the writing of the report, no written comments had been received from the public.

Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-06-20-B, subject to conditions.

Application: MV-06-20-B
Owners: Anna Marie Turney & Mario Varthalitis

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for all demolition and construction on the property; and
- MV-06-20-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:

- 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.

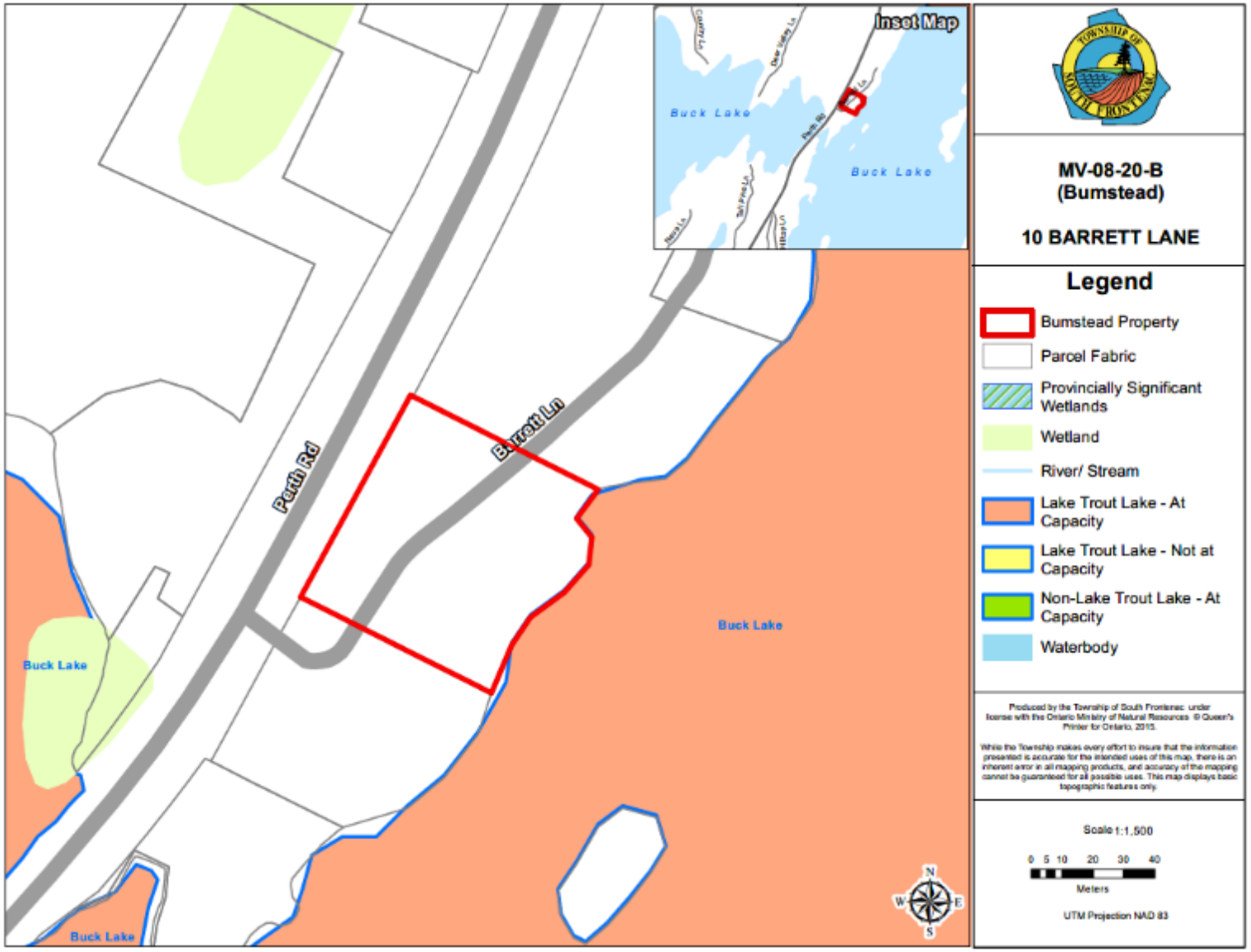
MV-08-20-B

Application: MV-08-20-B
Owners: Jeff & Mary Bumstead
Location of Property: Part Lot 1, Concession 12, Parts 10 to 12 on Plan 13R3809, District of Bedford, Township of South Frontenac, municipally known as 10 Barrett Lane, Buck Lake

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-08-20-B to provide additional time for KFL&A Public Health to review the proposal and to provide comment, and to receive comments from Cataraqui Conservation.

Application: MV-08-20-B
Owners: Jeff & Mary Bumstead



Application: MV-08-20-B
Owners: Jeff & Mary Bumstead

Proposal

- The applicants are requesting permission to construct a one-and-a-half storey single detached dwelling with a walkout basemen and an attached deck.
- The dwelling would have a 15 metre setback from the high water mark of Buck Lake.
- The existing cottage (0.9 metres to HWM) and shed (15 metres to HWM) would be demolished.
- A new tertiary septic system is proposed to be installed in a location that would comply with zoning requirements, including the minimum 30 metre setback from the highwater mark.

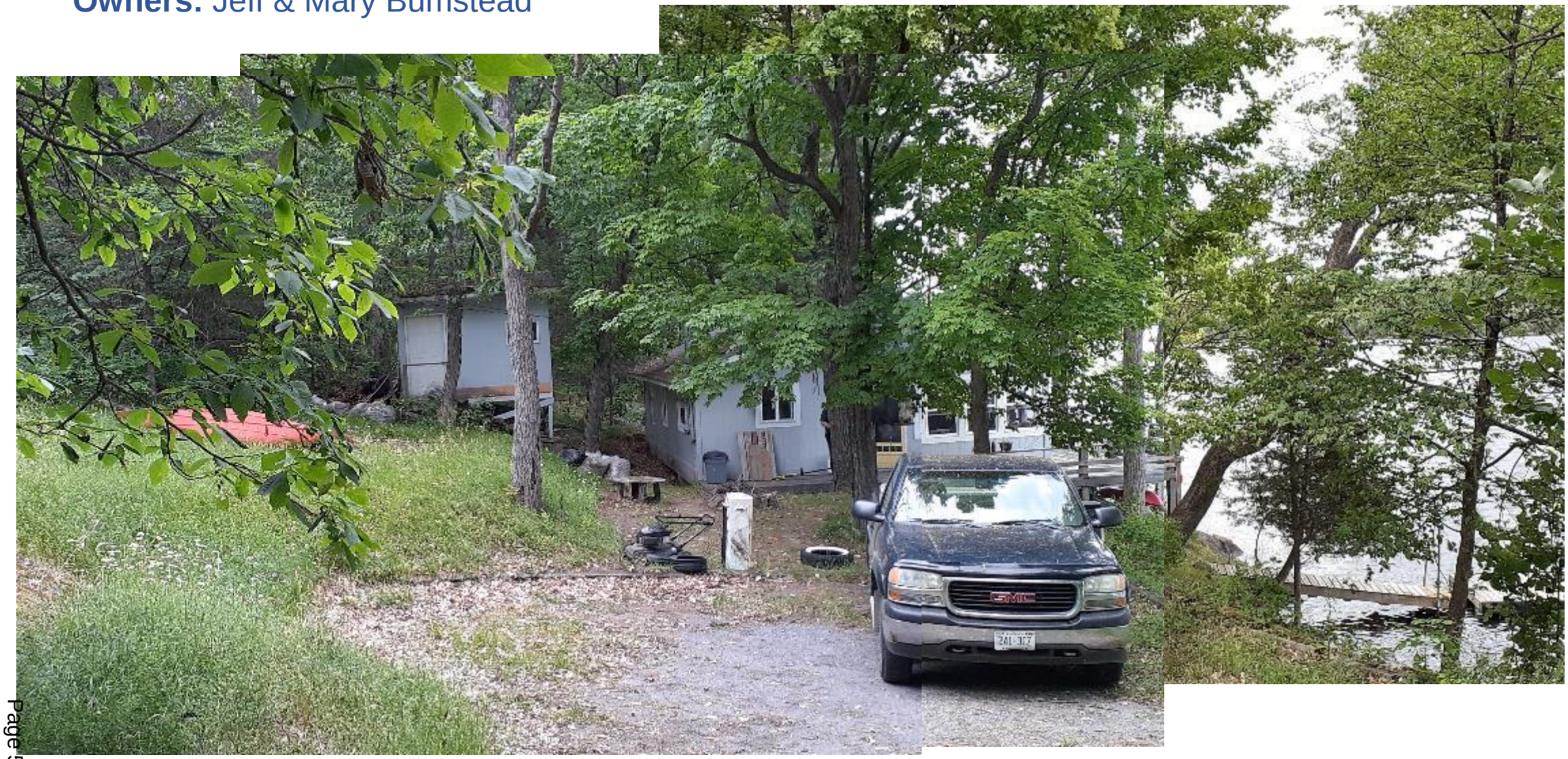


Application: MV-08-20-B
Owners: Jeff & Mary Bumstead

Relief Sought

Official Plan Designation:	**Zoning:**
Rural	Waterfront Residential (RW-16)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards **Section 8.3.3:** Waterbody Setback	**Relief:** To permit the construction of a new single-detached dwelling with a minimum high water mark setback of 15 metres (49 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.

Application: MV-08-20-B
Owners: Jeff & Mary Bumstead



View of existing cottage and proposed location of dwelling.

Application: MV-08-20-B
Owners: Jeff & Mary Bumstead

Comments

- **Public Services Department** – The property accessed from a lane and therefore, Public Services was not circulated.
- **KFL&A Public Health** – Requested deferral as they required more information.
- **Cataraqui Conservation** – comments have not yet been received.
- **Public Comments** – At the time of the writing of the report, no written comments had been received from the public.

Application: MV-08-20-B
Owners: Jeff & Mary Bumstead
Location of Property: Part Lot 1, Concession 12, Parts 10 to 12 on Plan 13R3809, District of Bedford, Township of South Frontenac, municipally known as 10 Barrett Lane, Buck Lake

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-08-20-B to provide additional time for KFL&A Public Health to review the proposal and to provide comment, and to receive comments from Cataraqui Conservation.

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.

MV-09-20-L

Application: MV-09-20-L
Owner: Bill O'Leary
Location of Property: Part Lot 16, Concession 3, being Part 1 on Plan 13R3284, , District of Loughborough, Township of South Frontenac, municipally known as 3865 Corkey Road, Loughborough Lake

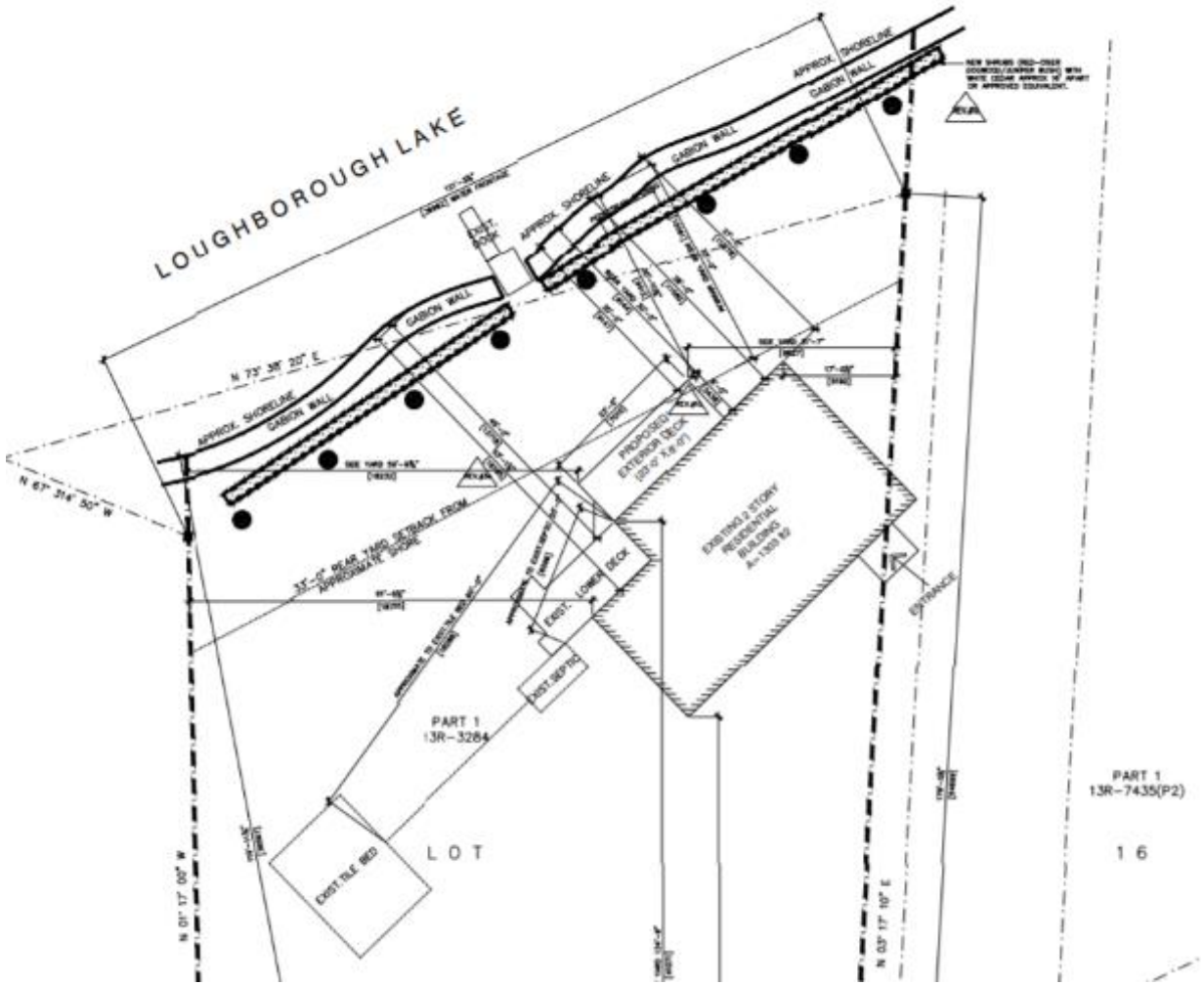
Recommendation:

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-09-20-L to provide additional time for the applicants to revise their proposal to address concerns expressed by Township staff and Cataraqui Conservation regarding the construction of a deck closer to the high water mark of Loughborough Lake than the existing structure.

Application: MV-09-20-L
Owner: Bill O'Leary

Proposal:

An application for minor variance has been received to reduce the required setback from the highwater mark from 30 metres (98.4 feet) as required by section 5.8.2a and 10.3.1 of the Township of South Frontenac Zoning By-law to 9.14 metres (30 feet) to permit the construction of a deck. The applicants are also seeking a minor variance to permit an addition on the second story of the existing dwelling, increasing the height of a legal non-complying structure and increasing lot coverage from 7% to 8% for the principal structure.



Application: MV-09-20-L
Owner: Bill O'Leary

Relief Sought

Official Plan Designation: Rural	**Zoning:** RW – Waterfront Residential zone
Zoning Relief Requested:	
Section 5.8.2a	**Relief:** To permit the construction of a deck at 9.14 metres from the highwater mark whereas the Zoning By-law requires an 30 metres from the highwater mark.
Section 5.10.2	**Relief:** To permit an addition on the second story of the existing dwelling, increasing the height of a legal non-complying structure.
Section 10.3.1	**Relief:** To permit the construction of an deck at 9.14 metres from the highwater mark whereas the Zoning By-law requires an 30 metres from the highwater mark and an increase in lot coverage from 8% whereas the Zoning By-law allows for a maximum of 5%.

Application: MV-09-20-L
Owner: Bill O'Leary



Application: MV-09-20-L
Owner: Bill O'Leary

Comments:

Public Services Department – Given the nature of the application, Public Services was not circulated.

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

Cataraqui Conservation – Comments received from Cataraqui Conservation recommend denial based upon their consideration for natural hazards and water quality protection policies, the "at capacity" status of the West Basin of Loughborough Lake, and the nature of its sensitivity to ongoing nutrient loading and encroachment pressures resulting in cumulative impacts to the water quality of the lake.
Cataraqui Conservation staff have provided further clarification that they have no objections to the second storey addition and converting an existing covered porch into living space. Cataraqui Conservation does not support the application due to the deck encroachment further into the water setback.

Ministry of Environment, Conservation and Parks (MECP) – MECP shares the same concerns as Cataraqui Conservation. MECP staff also recommended denial of the application.

Public Comments – To date, one comment from neighbours has been received.

Application: MV-09-20-L
Owner: Bill O'Leary

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-09-20-L to provide additional time for the applicants to revise their proposal to address concerns expressed by Township staff and Cataraqui Conservation regarding the construction of a deck closer to the high water mark of Loughborough Lake than the existing structure.

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.

MV-11-20-B

Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake
Location of Property: Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, 98 Mill Bay Lane, Bobs Lake, District of Bedford, Township of South Frontenac

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-11-20-B to allow the applicant time to reconsider their proposal and provide additional information. And to allow staff and agencies additional time to work with the applicants to modify the submitted plans.

Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

Proposal:

An application for minor variance has been submitted to permit the demolition of the existing deck and main door landing and to permit the construction of an addition to the house in an ‘L’ shape and add a new deck. The addition to the house and the new deck are proposed to be approximately 19 metres (62.4 feet) from the highwater mark in line with the current deck and existing setback. This proposal would see an increase in the lot coverage of the principal structure from 6.2% to 8.2%.

Application: MV-11-20-B
Owner: Chris Arbeau & Carolyn Westlake



Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

Comments:

Public Services Department – Given the nature of the application, Public Services was not circulated.

KFL&A Public Health – Comments from Kingston Frontenac and Lennox & Addington Public Health (KFL&A) have indicated that they require more information on the sewage system.

Rideau Valley Conservation Authority – Rideau Valley Conservation Authority (RVCA) have provided comments recommending the Committee defer the application as they have concerns about hazards on site. It is recommended that a geotechnical opinion be obtained and reviewed by RVCA staff.

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

Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

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-11-20-B to allow the applicant time to reconsider their proposal and provide additional information. And to allow staff and agencies additional time to work with the applicants to modify the submitted plans.

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.

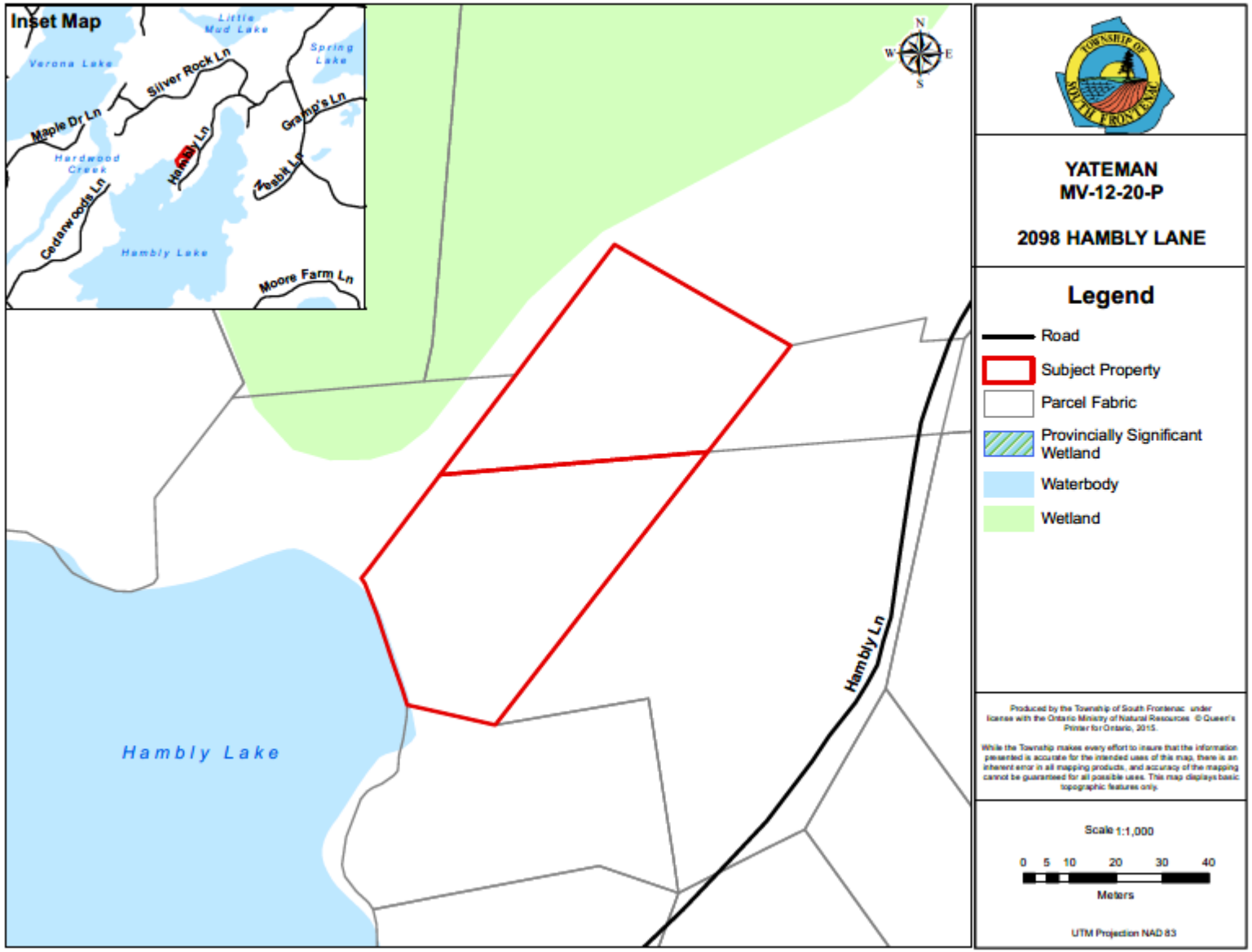
MV-12-20-P

Application: MV-12-20-P
Owner: Leslie Yateman
Location of Property: Part Lot 7, Concessions 10 & 11, being Parts 1-3 on Plan 13R6322, 2098 Hambly Lane, Hambly Lake, District of Portland, Township of South Frontenac

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-12-20-P, subject to conditions.

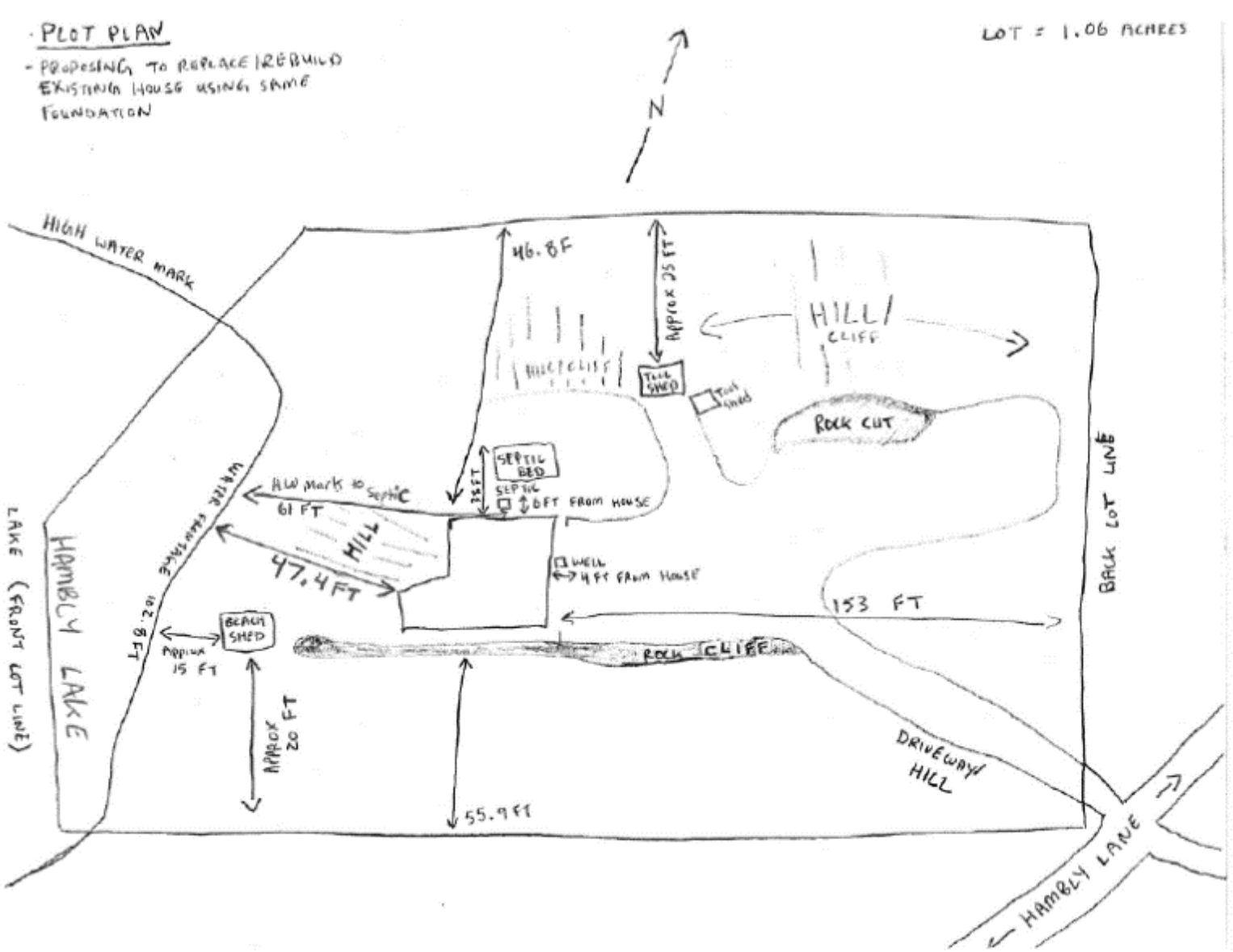
Application: MV-12-20-P
Owner: Leslie Yateman



Application: MV-12-20-P
Owner: Leslie Yateman

Proposal:

An application for minor variance has been received to permit the re-construction of the single detached dwelling with a walk-out basement. The dwelling is proposed to be built on the existing foundation with an increase in height to be constructed in conformity with the maximum height allowable in the RLSW - Limited Services Residential - Waterfront zone.



Application: MV-12-20-P
Owner: Leslie Yateman

Relief Sought

Official Plan Designation: Rural and Environmental Protection	**Zoning:** Limited Service Residential – Waterfront (RLSW) Zone
Section 5.10.2: Existing Buildings within 30 metres of a Waterbody or Watercourse	**Relief:** To permit the re-construction of a single detached dwelling, on the existing foundation with an increase in height, to be constructed in conformity with the maximum height allowable in the Limited Services Residential – Waterfront (RLSW) Zone.

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

Application: MV-12-20-P
Owner: Leslie Yateman



Existing home to be demolished and re-build on the same foundation
(view from the waterfront)

Application: MV-12-20-P
Owner: Leslie Yateman

Comments

- **Public Services Department** – Public Services was not circulated due to the nature of the application.
- **KFL&A Public Health** – KFL&A Public Health notes that the current sewage system is undersized. An application to install a new sewage system must be submitted to KFL&A Public Health before a building permit is issued. KFL&A Public Health has no objection to the proposed minor variance.
- **Quinte Conservation** – Quinte Conservation staff are satisfied that there is sufficient area for development outside the flood hazard provided that the applicants stay on the same. Staff 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 Hambly Lake. Quinte Conservation has no objection to the application as presented.
- **Public Comments** – At the time of the writing of the report, no written comments had been received from the public.

Application: MV-12-20-P
Owner: Leslie Yateman

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-12-20-P, subject to conditions.

Application: MV-12-20-P
Owner: Leslie Yateman

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A development agreement will be required to be registered on title
- Approval of an application to install a new sewage system must be obtained;
- A building permit is required for all demolition and construction on the property; and
- MV-12-20-P 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:

- 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.

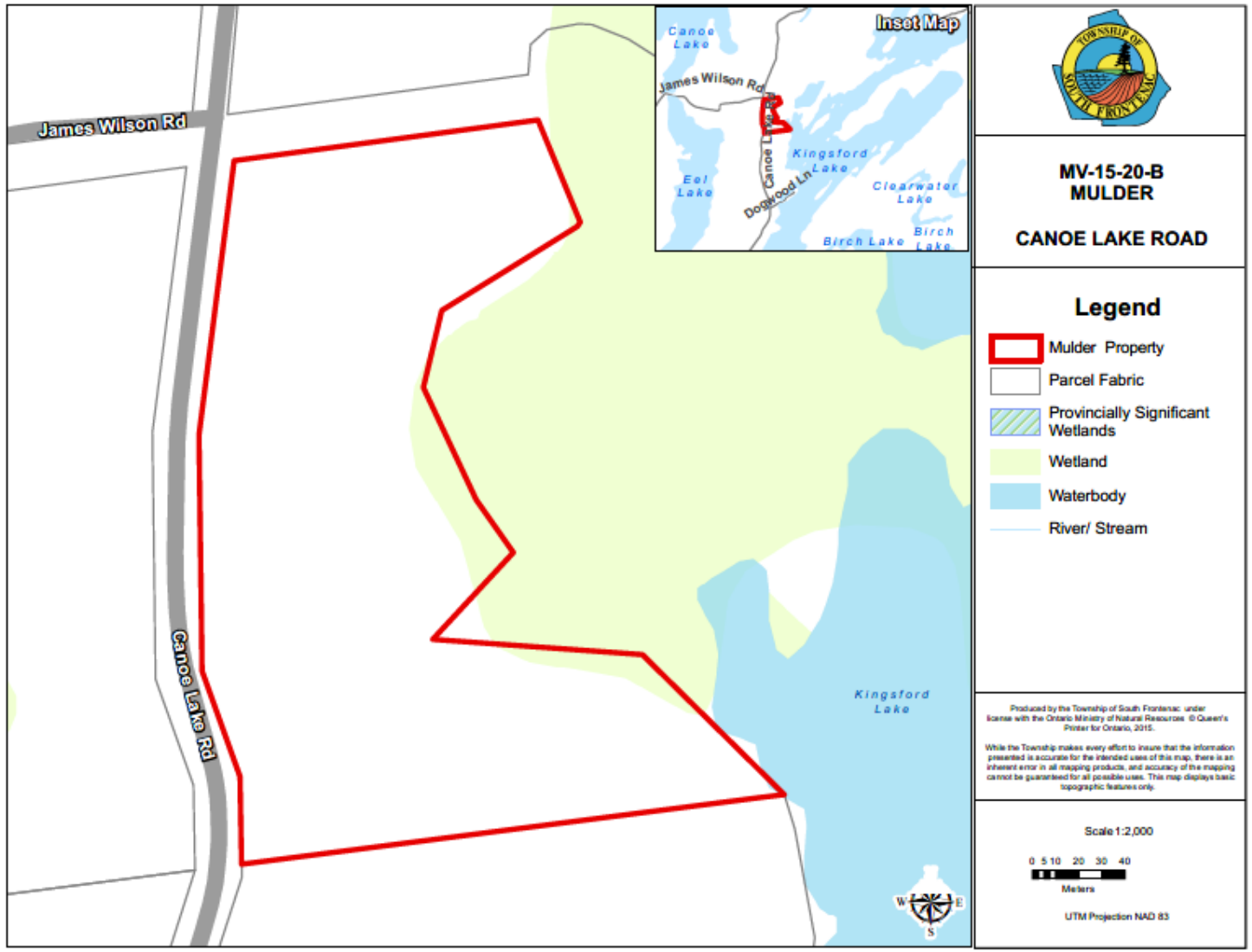
MV-15-20-B

Application: MV-15-20-B
Owners: Thomas, Nancy & Caleb Mulder
Location of Property: Part Lot 5, Concession 6, being Parts 8 on Plan 13R4370, 9088 Canoe Lake Road, Kingsford Lake, District of Bedford, Township of South Frontenac

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-15-20-B, subject to conditions.

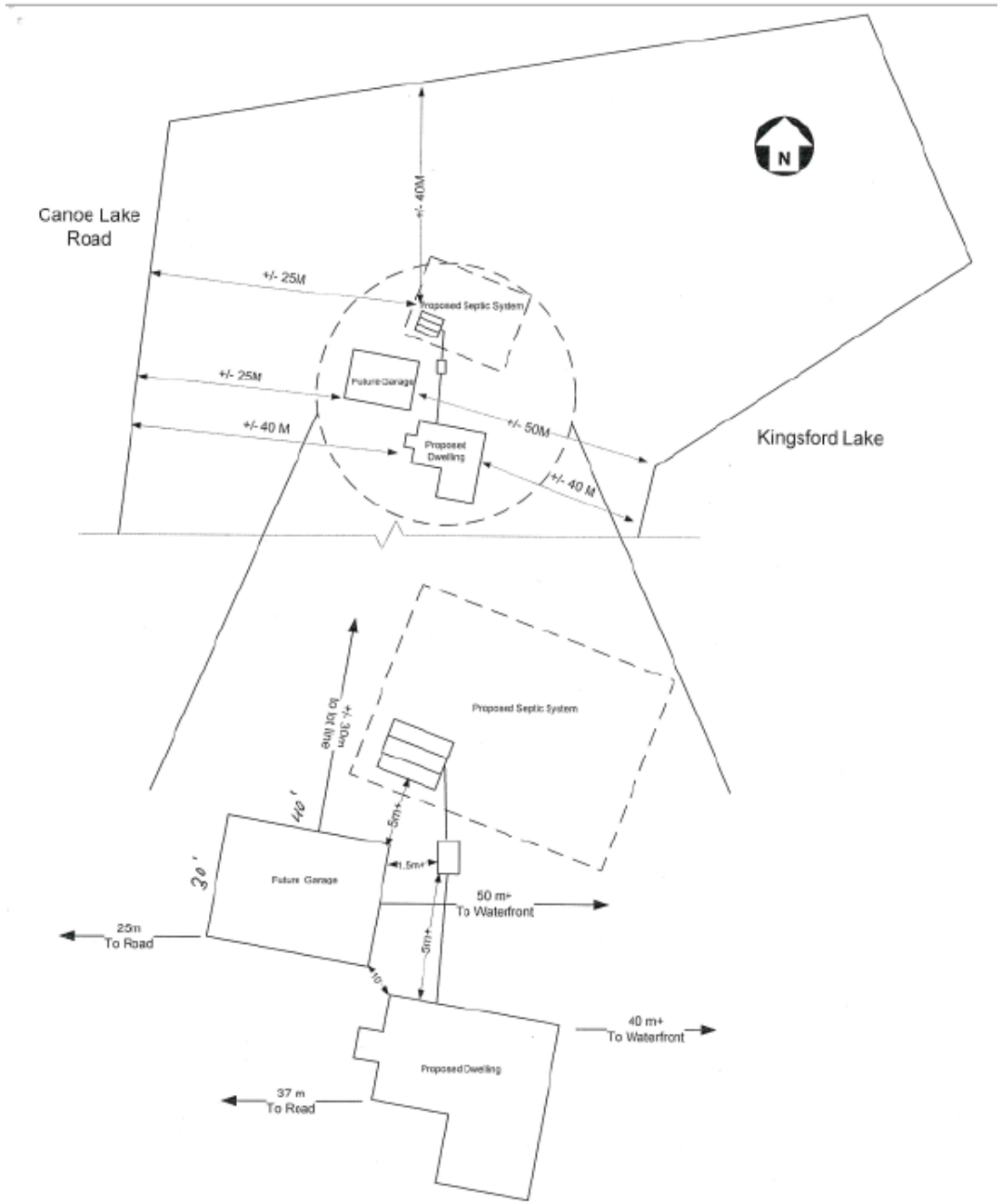
Application: MV-15-20-B
Owners: Thomas, Nancy & Caleb Mulder



Application: MV-15-20-B
Owners: Thomas, Nancy & Caleb Mulder

Proposal:

An application for minor variance has been received to permit the construction of an accessory building (detached garage) within the projected front yard of the proposed single detached dwelling on the subject property.



Application: MV-15-20-B
Owners: Thomas, Nancy & Caleb Mulder

Relief Sought

Official Plan Designation: Rural	**Zoning:** RU - Rural
Zoning Relief Requested:	
Section 5.24.2: Accessory Buildings	**Relief:** To permit the construction of an accessory building (detached garage) in the projected front yard, whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

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

Application: MV-15-20-B
Owner: Thomas, Nancy & Caleb Mulder



Proposed location of the garage

Application: MV-15-20-B
Owners: Thomas, Nancy & Caleb Mulder

Comments

- **Public Services Department** – Public Services has no concerns regarding the application.
- **KFL&A Public Health** – No development is proposed in proximity to the septic system, therefore KFL&A Public Health was not circulated.
- **Cataraqui Region Conservation Authority** – Given the location and scope of the proposed development, CRCA confirmed that circulation was not required.
- **Public Comments** – At the time of the writing of the report, no written comments had been received from the public.

Application: MV-15-20-B
Owners: Thomas, Nancy & Caleb Mulder

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-15-20-B, subject to conditions.

Application: MV-15-20-B
Owners: Thomas, Nancy & Caleb Mulder

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for all demolition and construction on the property; and
- MV-15-20-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:

- 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.

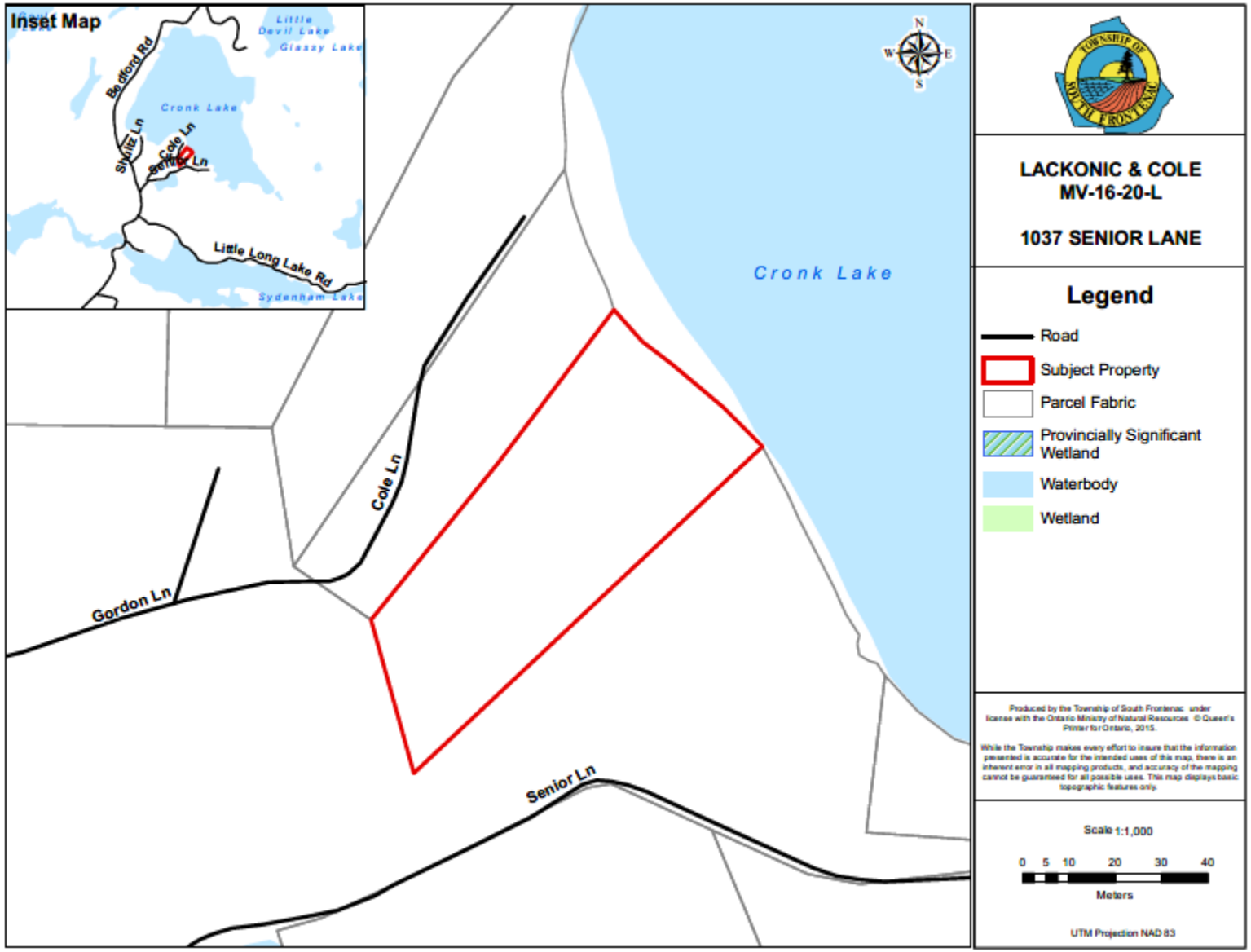
MV-16-20-L

Application: MV-16-20-L
Owners: Dianne Lackonick & Greg Cole
Location of Property: Part Lot 8, Concession 9, being Part 4 on Plan 13R15287, District of Loughborough, Township of South Frontenac, municipally known as 1037 Senior Lane, Cronk Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-16-20-L, subject to conditions.

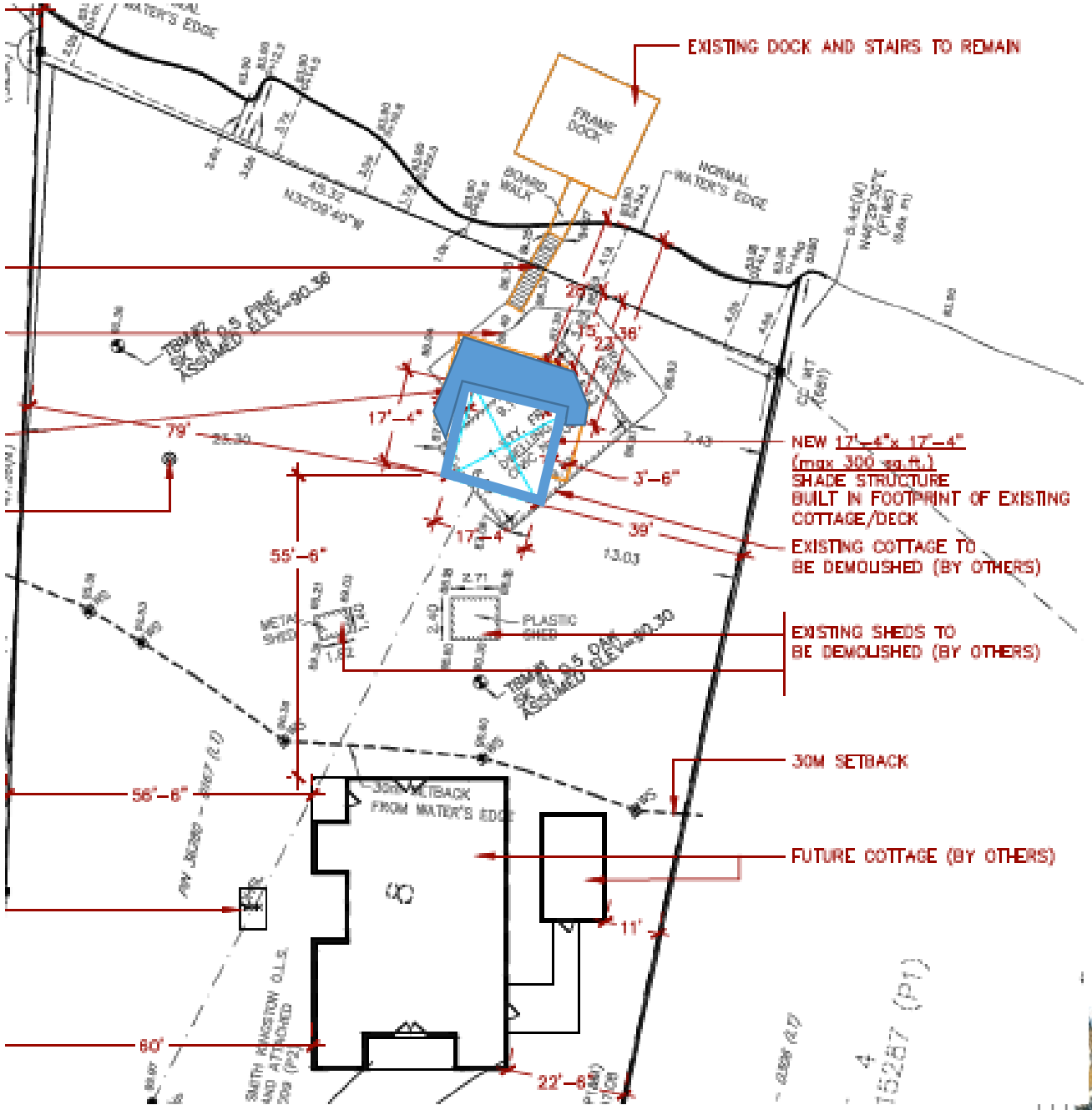
Application: MV-16-20-L
Owners: Dianne Lackonick & Greg Cole



Application: MV-16-20-L
Owners: Dianne Lackonick & Greg Cole

Proposal:

An application for minor variance has been received, to permit the construction of a shade structure, which requires relief from the highwater mark setback for an accessory building in the RLSW – Limited Services Residential - Waterfront zone as well as relief from the general provisions on Flooding and Shoreline Erosion Hazards. The shade structure would sit on a ground oriented wooden patio.



Application: MV-16-20-L
Owners: Dianne Lackonick & Greg Cole

Relief Sought

Official Plan Designation: RU - Rural	**Zoning:** RLSW – Limited Services Residential – Waterfront
Zoning Relief Requested:	
Section 5.8.2a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a new shade structure (screen structure) with a highwater mark setback of 11 metres (36 feet) whereas the By-law requires a 30 metre (9.8 feet) setback from the highwater mark for all buildings and structures.
Section 5.8.2b): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a new shade structure (screen structure) with a top of bank setback of 7 metres (23 feet, whereas the By-law requires 15 metres (49.2 feet) horizontal of the top of bank of any embankment.
Section 10.3.2: RLSW Zone	**Relief:** To permit the construction of a new shade structure with a highwater mark setback of 11 metres (36 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the highwater mark for the accessory building.

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

Application: MV-16-20-L
Owners: Dianne Lackonick & Greg Cole



Existing cottage placement to be replaced with shade structure



Concept photo of shade structure

Application: MV-16-20-L
Owners: Dianne Lackonick & Greg Cole

Comments

- **Public Services Department –** The property is located on a lane and therefore, Public Services was not circulated.
- **KFL&A Public Health –** No development is proposed in relation to a septic system, therefore KFL&A Public Health was not circulated.
- **Cataraqui Conservation –** Cataraqui Conservation staff have no objection to the approval of application MV-16-20-L based on their consideration for natural hazard, natural heritage and water quality policies. The applicant will be required to contact Cataraqui Conservation at the building permit stage for more information regarding permitting requirements under Ontario Regulation 148/06
- **Public Comments –** At the time of the writing of the report, no comments had been received from the public.

Application: MV-16-20-L
Owners: Dianne Lackonick & Greg Cole

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-16-20-L, subject to conditions.

Application: MV-16-20-L
Owner: Dianne Lackonick & Greg Cole

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A development agreement will be required to be registered on title
- The existing metal shed and plastic shed within the 30 metre setback of the highwater mark shall be removed;
- A building permit is required for all demolition and construction on the property; and
- MV-16-20-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:

- 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.

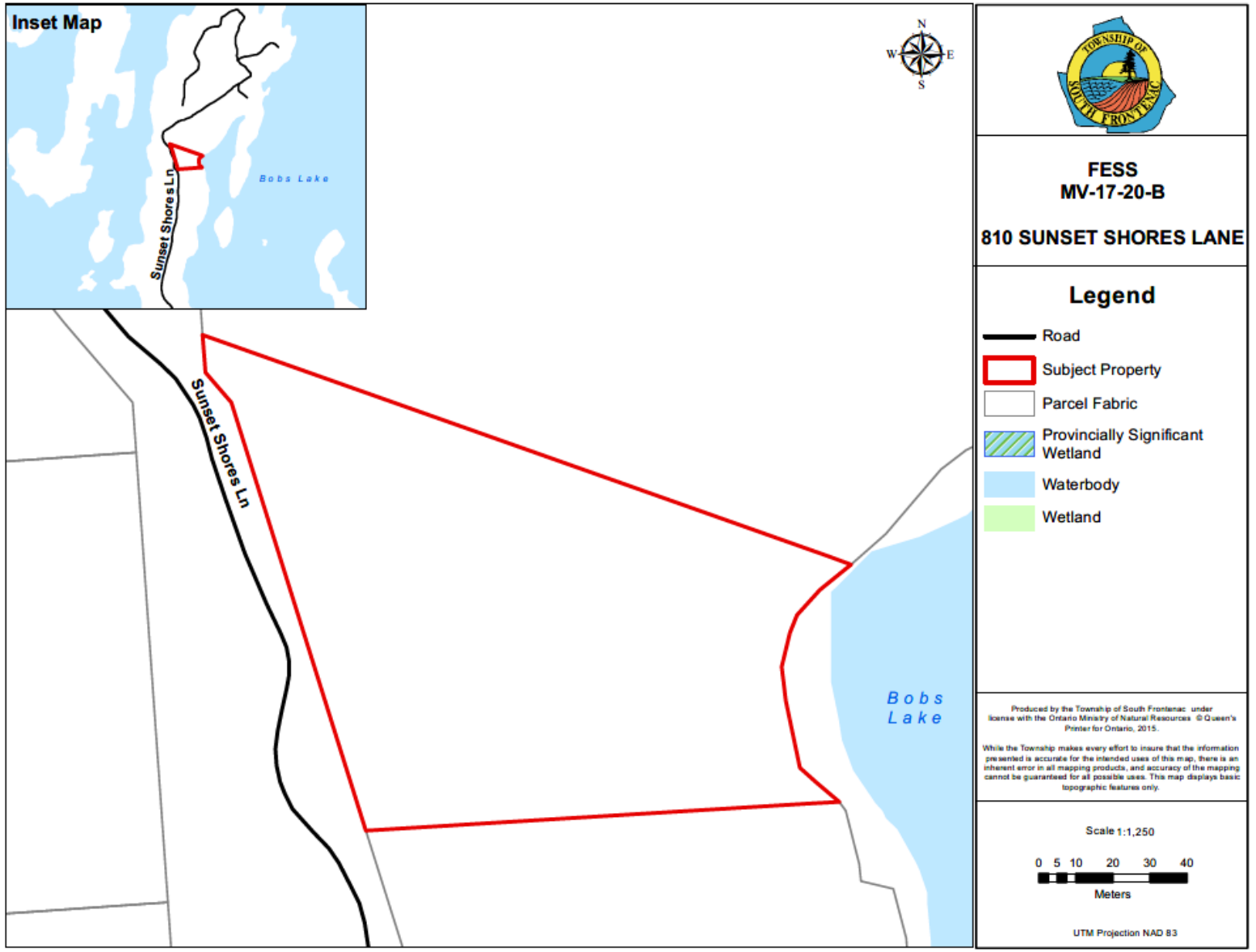
MV-17-20-B

Application: MV-17-20-B
Owners: Martin & Merianne Fess
Location of Property: Part Lot 23, Concession 5, being Lot 22 on Plan 1661, District of Bedford, Township of South Frontenac, municipally known as 810 Sunset Shores Lane, Bobs Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-17-20-B, subject to conditions.

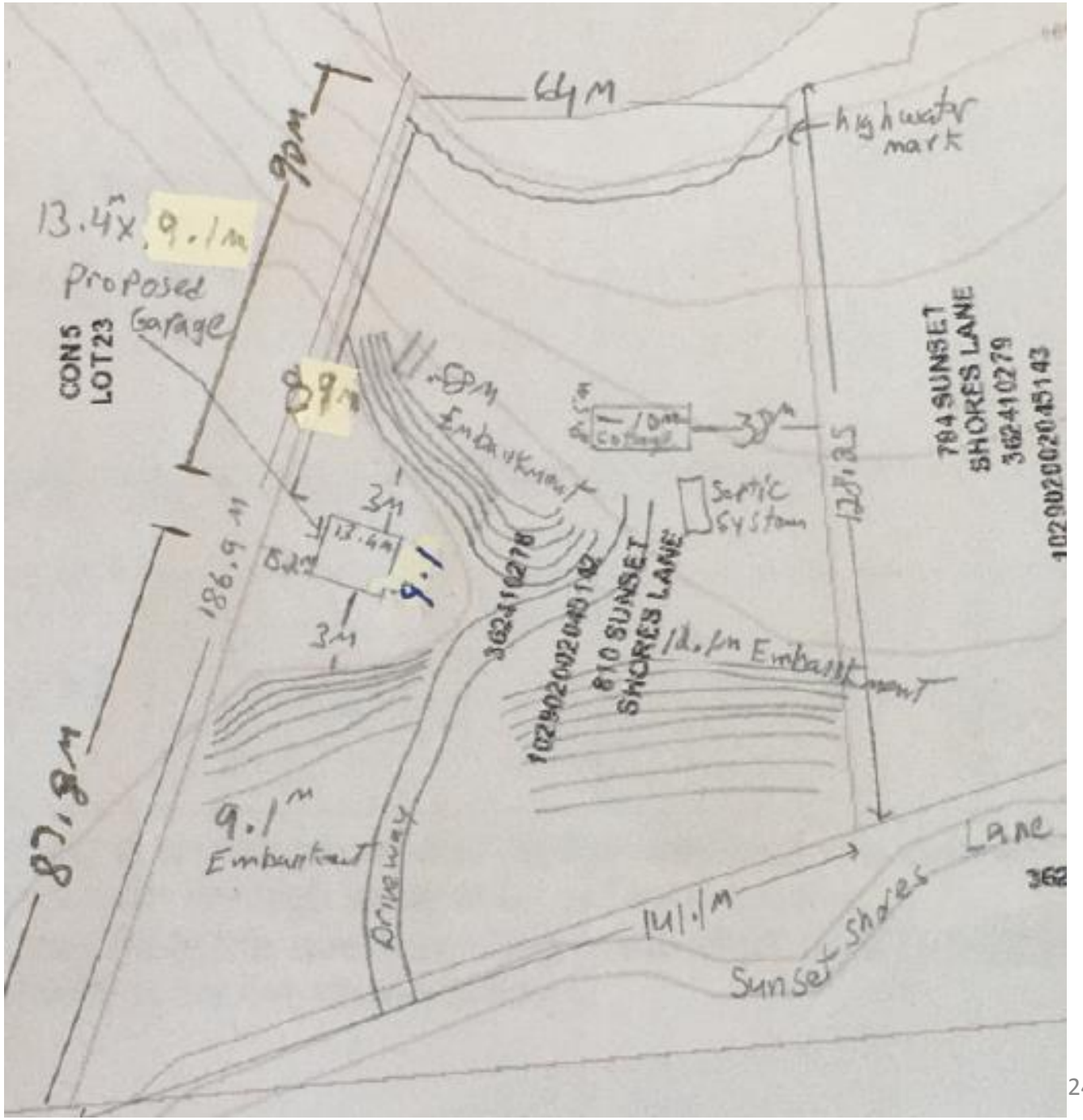
Application: MV-17-20-B
Owners: Martin & Merianne Fess



Application: MV-17-20-B
Owners: Martin & Merianne Fess

Proposal:

An application for minor variance has been received to permit the construction of an accessory building (detached garage), which is larger than the existing principal dwelling.



Application: MV-17-20-B
Owners: Martin & Merianne Fess

Relief Sought

Official Plan Designation: Rural	**Zoning:** RLSW – Limited Services Residential – Waterfront
Zoning Relief Requested:	
Section 5.24.1: Accessory Buildings	**Relief**: To permit the construction of an accessory building (detached garage) with a footprint of 121.94 metres^2 (1312.6 feet^2), which exceeds the lot coverage of the existing principal building of 85 metres^2 (924 feet^2).

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

Application: MV-17-20-B
Owners: Martin & Merianne Fess



Proposed location of the garage

Application: MV-17-20-B
Owners: Martin & Merianne Fess

Comments

- **Public Services Department –** The property is located on a lane and therefore, Public Services was not circulated.
- **KFL&A Public Health –** No development is proposed in proximity to the septic system on the northwest side of the existing dwelling for this minor variance application, therefore KFL&A Public Health was not circulated.
- **Rideau Valley Conservation Authority (RVCA) –** Given the location and scope of the proposed development, RVCA was not circulated.
- **Public Comments –** To date, one comment from neighbours has been received.

Application: MV-17-20-B
Owners: Martin & Merianne Fess

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-17-20-B, subject to conditions.

Application: MV-17-20-B
Owners: Martin & Merianne Fess

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for all demolition and construction on the property; and
- MV-17-20-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:

- 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.

MV-18-20-P

Application: MV-18-20-P
Owners: Jim & Jen McNeely
Location of Property: Part of Lot 8, Concession 11, District of Portland, Township of South Frontenac, municipally known as 1124 Storms Lane, Verona Rock Lake

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-18-20-P to receive further comments from Quinte Conservation.

Application: MV-18-20-P
Owners: Jim & Jen McNeely

Proposal

An application for minor variance was received to permit the construction of a 67 square metre (720 square foot) accessory building (one-storey detached garage) on a 0.3 hectare (0.7 acre) existing lot of record. The proposed setback from the new garage to the highwater mark of Verona Rock Lake is 15 metres (49 feet).

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.

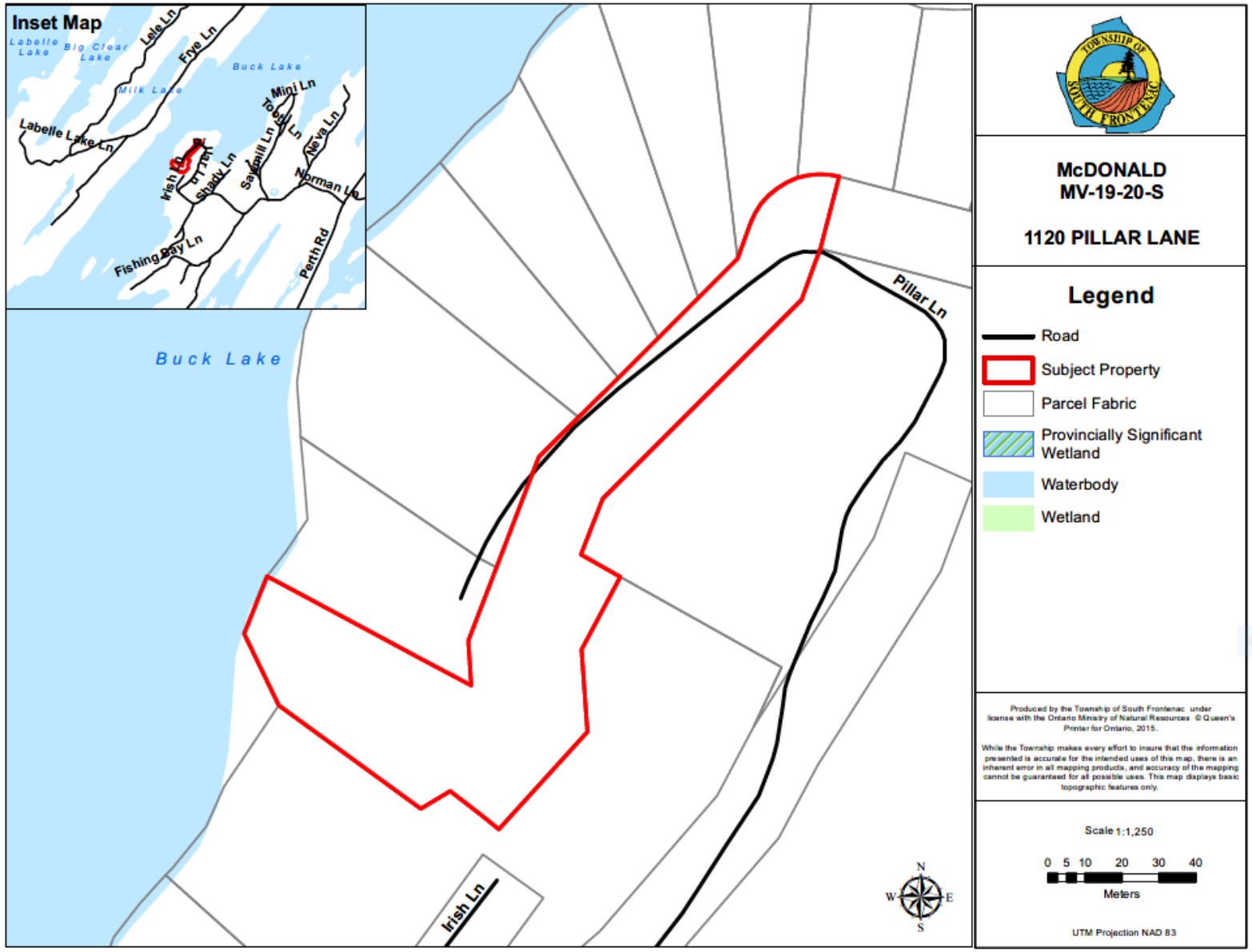
MV-19-20-L

Application: MV-19-20-L
Owners: Bruce & Kathy McDonald
Location of Property: Part Lot 24, Concession 14, being Parts 1, 2 & 3 on Plan 13R15545, and Part 2 on Plan 13R19077, Buck Lake, District of Loughborough, Township of South Frontenac, municipally known as 1120 Pillar Lane

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-19-20-L, subject to conditions.

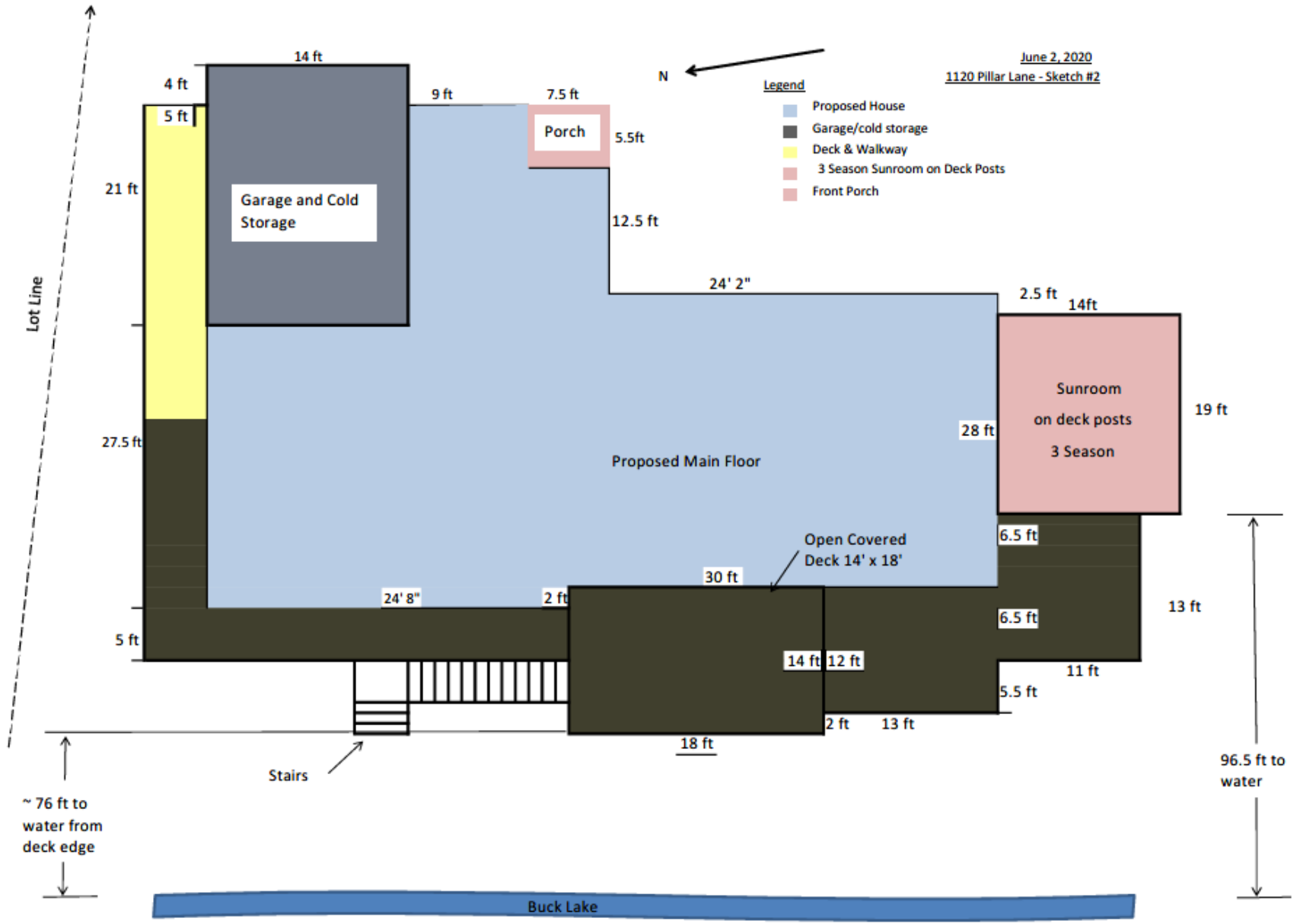
Application: MV-19-20-L
Owners: Bruce & Kathy McDonald



Application: MV-19-20-L
Owners: Bruce & Kathy McDonald

Proposal:

An application for minor variance has been received to permit the construction of a single detached dwelling with an attached deck, attached garage and a sunroom on deck posts within the required 30 metre setback from the highwater mark, the required 30 metre front yard setback and the required 3 metre interior side yard.



Application: MV-19-20-L
Owners: Bruce & Kathy McDonald

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 the construction of a new single-detached dwelling with a minimum highwater mark setback of 23 metres (76 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 10.3.1: Waterbody Setback, Front Yard and Interior Side Yard	**Relief:** To permit the construction of a new single-detached dwelling with • a minimum setback of 23 metres (76 feet) from the high water mark, whereas the By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for the principal building; • a minimum front yard of 23 metres (76 feet), whereas the By-law requires a minimum 30 metre front yard and; • an interior side yard of 1.5 metres (5 feet) to the exterior wrap-around deck attached to the dwelling whereas the By-law requires 3 metres (9.8 feet).

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

Application: MV-19-20-L
Owners: Bruce & Kathy McDonald



Existing dwelling and attached deck to be replaced

Application: MV-19-20-L
Owners: Bruce & Kathy McDonald

Comments

- **Public Services** – The property has an existing entrance on a private lane and therefore, Public Services was not circulated.
- **KFL&A Public Health** – KFL&A Public Health received an application to install a new sewage system and have no objections to the proposed minor variance.
- **Cataraqui Conservation** – Cataraqui Conservation staff recognize there is limited opportunity for all development to meet the 30 metre setback. However, they recommend deferral of MV-19-20-L to allow the applicant to consider alternatives that will meet the intent of the water quality policies, and to remove the portion of the deck that extends towards Buck Lake. Cataraqui Conservation staff had raised a concern about lot coverage. Lot coverage was reviewed by Township staff and was confirmed to be just under the 5% lot coverage permitted by the By-law.
- **Ministry of Environment, Conservation and Parks** – Staff at the Ministry of Environment, Conservation and Parks recommend deferral and support the planning opinion and position of the Cataraqui Conservation regarding encroachment concerns to the lake as the “at capacity” status of Buck Lake and the nature of its sensitivity to ongoing nutrient loading and encroachment pressure can result in cumulative impacts to the water quality.

Public Comments – To date, one comment from neighbours has been received.

Application: MV-19-20-L
Owners: Bruce & Kathy McDonald

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-19-20-L, subject to conditions.

Application: MV-19-20-L
Owner: Bruce & Kathy McDonald

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A Development Agreement shall be entered into and registered on title to the property;
- A building permit is required for all demolition and construction on the property; and
- MV-19-20-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:

- 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.

Other Business

Information Report:

Consents approved by Delegated Authority:

- S-29-19-L (Owner & Applicant) Edgar & Maureen Adams
- S-05-20-P (Owner & Applicant) Jeffery Leroux
- S-07-20-P (Applicant/Owner) Andrew & Ashley Cox (Applicant/Agent) Michael Veryzer

Township of South Frontenac Committee of Adjustment Meeting

Conclusion/Adjournment

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: July 2, 2020

Application No: MV-43-19-B
Owner: Paul & Patricia Riddell
Location of Property: Part Lot 16, Concession 3, District of Bedford, Township of South Frontenac, municipally known as 397 Barr Lane
Purpose of Application: To vary Section 10.3.2 of the Township of South Frontenac Zoning By-law
Date of Hearing: July 9, 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 Services Residential - Waterfront (RLSW)
Zoning Relief Requested:	
Section 10.3.2 : RLSW Zone	**Relief:** To permit the construction of an accessory building (garden shed) with a setback of 1.2 metres (4 feet) from the interior side lot line, whereas the Zoning By-law requires a minimum of 3 metres (9.8 feet) from the 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 (or will comply subject to approval for the minor variance);

✓ Is desirable for the appropriate development of the lands in question; and

✓ Is minor.

Proposal

An application for minor variance has been submitted to permit the construction of an accessory building (garden shed), situated at 2.1 metres (4 feet) from the side lot line which is less than the minimum 3 metre (9.8 feet) setback from the side lot line required in the RLSW – Limited Services Residential - Waterfront zone.

The subject property is located on Barr Lane, approximately two kilometres from Green Bay Road, and is municipally known as 397 Barr Lane. The parcel is 1.27 acres (0.51 hectares) and contains an 80.2 metre^2 (863 feet^2) principal dwelling, which is setback approximately 15.24 metres (50 feet) from the highwater mark of Buck Bay on Bobs Lake. There is also an existing storage shed of 9.3 metre^2 (100 feet^2) on the property located approximately 22.86 metres (75 feet) from the high water mark.

The proposed garden shed is 9.3 metre^2 (100 feet^2) in size and has a side yard setback of 1.2 metres (4 feet) to the north property line adjacent to the property addressed as 401 Barr Lane.

The proposed location of the shed is in the side yard, to the rear of the existing dwelling, approximately 39.6 metres (130 feet) from Bob's Lake. The proposed garden shed is 2.1 metres (7 feet) in height.

The applicant has indicated in their application that there was previously a shed located in that area built in 2008. The previous owners of the subject property and the neighbouring property of 401 Barr Lane determined where they felt the property line was and with the approval of the neighbour at the time, a 3 metre x 3 metre (10 feet x 10 feet) garden shed was built 1.2 metres off the property line. The shed was previously built on deck blocks and patio stones.

The applicant indicated that they have a new neighbour at 401 Barr Lane who intends to erect a wall along the property line. Prior to constructing the new wall, the lot line was surveyed and it was determined that the existing shed is located on the property line. The owner of the subject property intends to remove the existing shed and is seeking permission from the Committee of Adjustment to place a new shed at it 1.2 metres (4 feet) from the northerly lot line. The applicant has indicated that their neighbour is in agreement with the proposed location of the new shed consistent with this minor variance application.

Agency Analysis and Comments

Public Services Department – The property is located on a lane and therefore, Public Services was not circulated.

KFL&A Public Health – No development is proposed in proximity to the septic system on the northwest side of the existing dwelling for this minor variance application, therefore KFL&A Public Health was not circulated.

Rideau Valley Conservation Authority – Given the location and scope of the proposed development, RVCA 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 application conform to 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 amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

As per Section 5.7.7, limited service residential development is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway. Permitted uses include, single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations.

Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.

1. The variance conforms to the general intent and purpose of the Official Plan as the proposed detached garage is consistent with the residential use of the property, within the Rural Area designation, which contemplates dwellings and accessory buildings on waterfront lots which are accessed by private lane.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development, including those regulations applicable to accessory buildings not attached to the principal building, which requires that building setbacks be a minimum of 3 metres (9.8 feet).

The variance conforms to the general intent and purpose of the Zoning Bylaw as the placement of the shed (accessory building) is a permitted in the interior and rear yard of a property that is zoned RLSW. The placement of the shed meets the setback requirements of the Limited Service Residential – Waterfront zone, with the exception that it is closer to the side lot line than the minimum required 3 metres (9.8 feet). The proposed location is practical given that there was previously a shed located in the same area.

3. Is the application desirable for the appropriate development of the lands in question?
   - The variance is desirable for the appropriate development of the subject property, as a detached garage is accessory to the existing dwelling. It is located a suitable distance from the front and rear lot lines and meets the setback requirements from the highwater mark in the RLSW – Limited Service Residential Waterfront zone.

4. Is the application minor?
   The variance is minor as it will not cause any negative impacts as a result of its size and location on the subject property, which is located on Barr Lane. The subject property has a total area of 1.27 acres (0.51 hectares) and the neighbours are agreeable to the location. The garden shed is located approximately 39.6 metres (130 feet) from Bobs Lake.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-43-19-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 the construction of a 9.3 metre^2 (100 feet^2) shed at a setback of 1.2m (4 feet) from the northerly lot ine, consistent with the drawings submitted with MV-43-19-B.

2. 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.

3. Minor variance MV-43-19-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner, Township of South Frontenac

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

Date of Site Visit: July 25, 2020

Attachments: Map of the Riddell property

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

Date Received: Oct. 15 File No: MV-43-19-B

1. Name of Owner(s): PAUL & PATRICIA RIDDELL

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: 3 Lot Number: 16

Street Number: 397 Name of Road/Street: BARR LANE

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

Roll Number: 020-040-21201-0000

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): 165' Frontage (on road/lane): 103.65'

Depth: 408.3' Area: 1.27 Ac.

5. The current zoning of the subject land:

RLSW

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

Structure within 3m of property line
Accessory building Section 10.3.2.

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

Structure built off - best guess of property line
Survey showed structure encroached on property line

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

Name of Road/Lane:

BARR 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

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)** Residence	**(2)** Shed	**(3)**	**(4)**
Setback from Front Lot Line	50'	75'	-	
Setback from Rear Lot Line	284	274	-	
Setback from Side Lot Line	51/4	133/22	-	
Height of Building (Also indicate if it is one story or two story)	12	8		
Dimensions of Floor Area	24 x 36	10 x 10		
Setback from High Water Mark (If applicable)	50	75'		

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)** Garden Shed	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	130			
Setback from Rear Lot Line	252			
Setback from Side Lot Line	4 / 150			
Height of Building (Also indicate if it is one story or two story)	7.			
Outside Dimensions of Building/Structure	80 X 10			
Setback from High Water Mark (If applicable)	130'			

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
(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:

MAY 16/2013

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

Cottage & Storage 1970 Shed 2012

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:

A 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.

#MV-29-14-B- closed.

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.

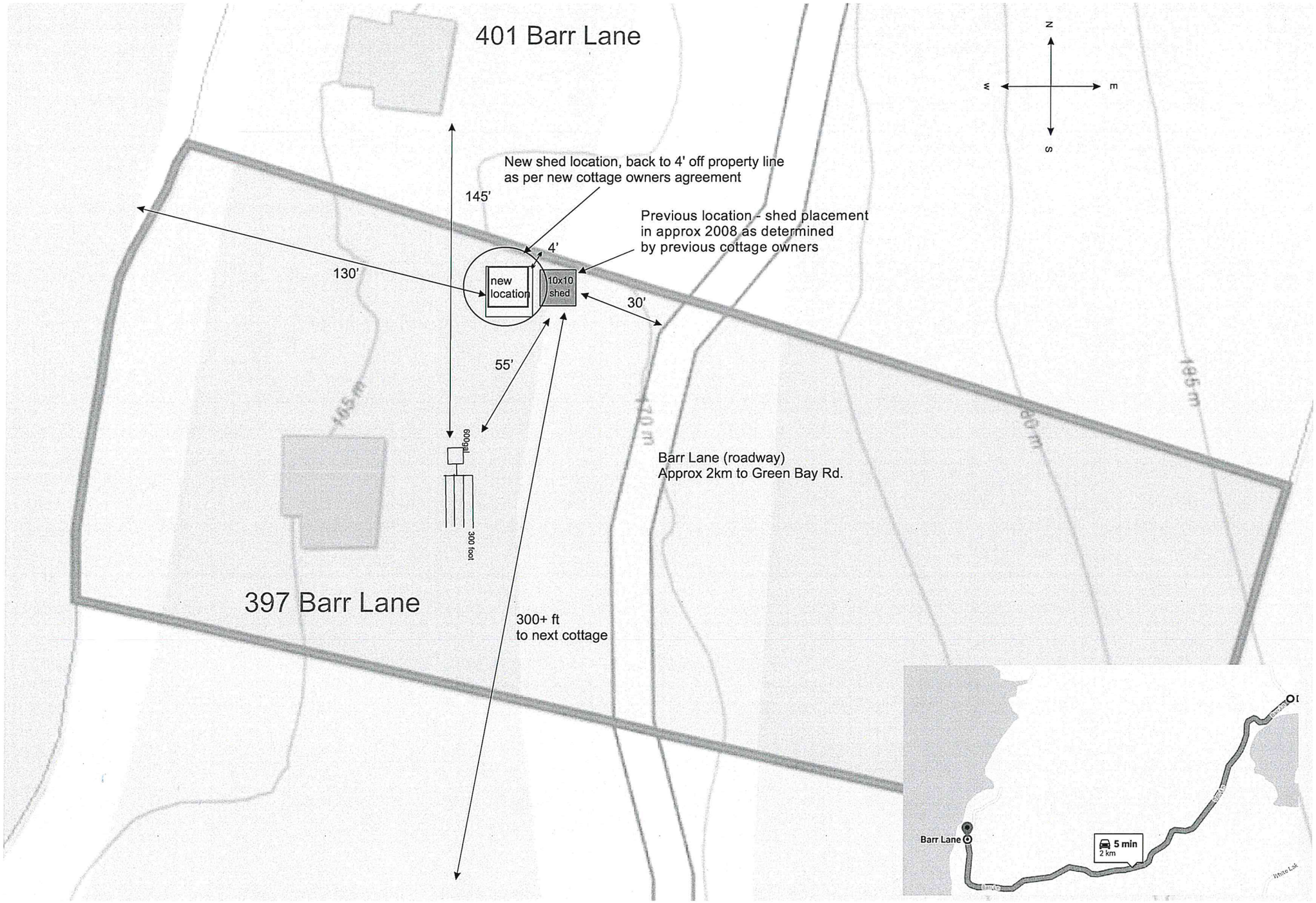
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

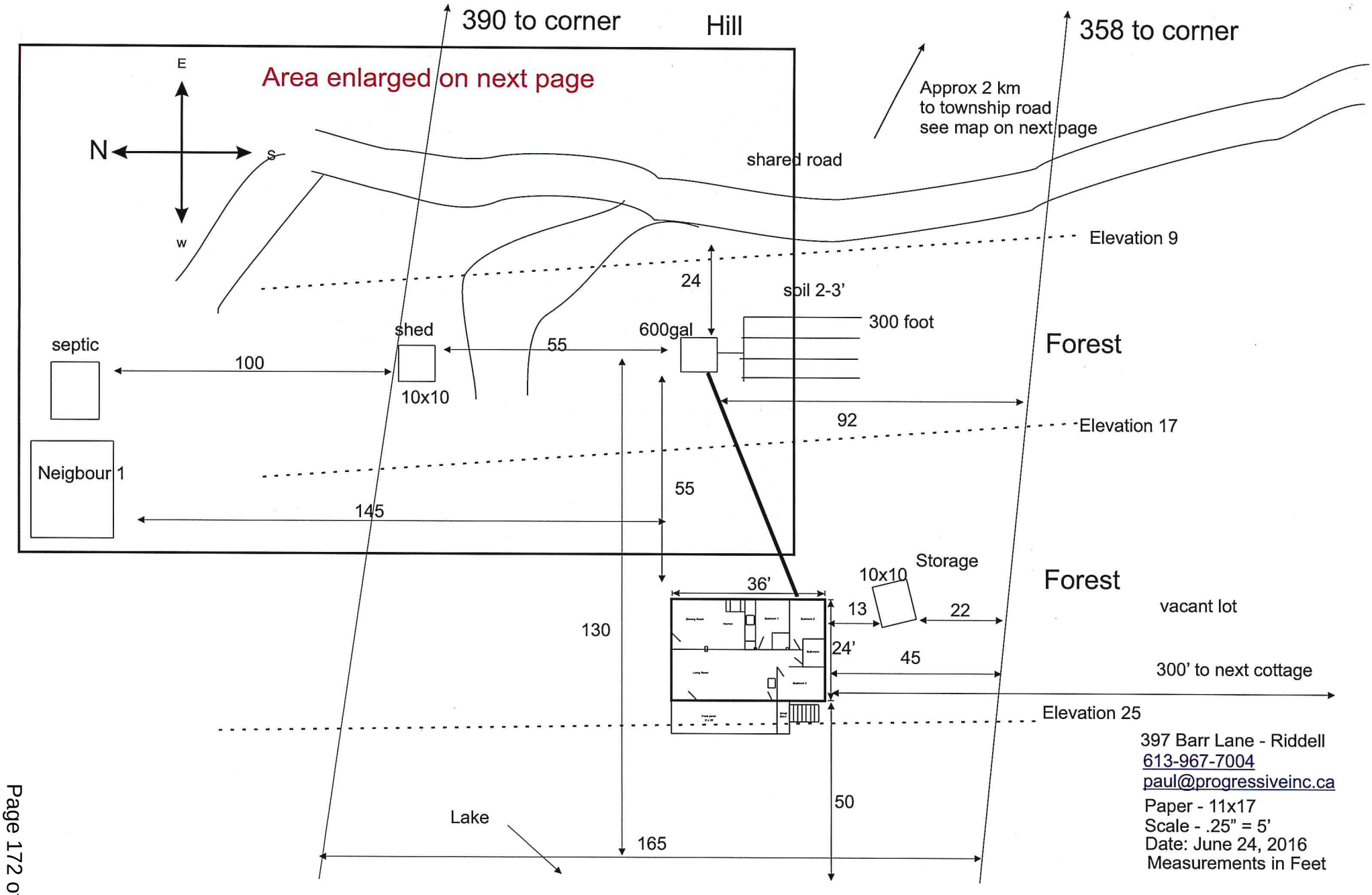
The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses 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,

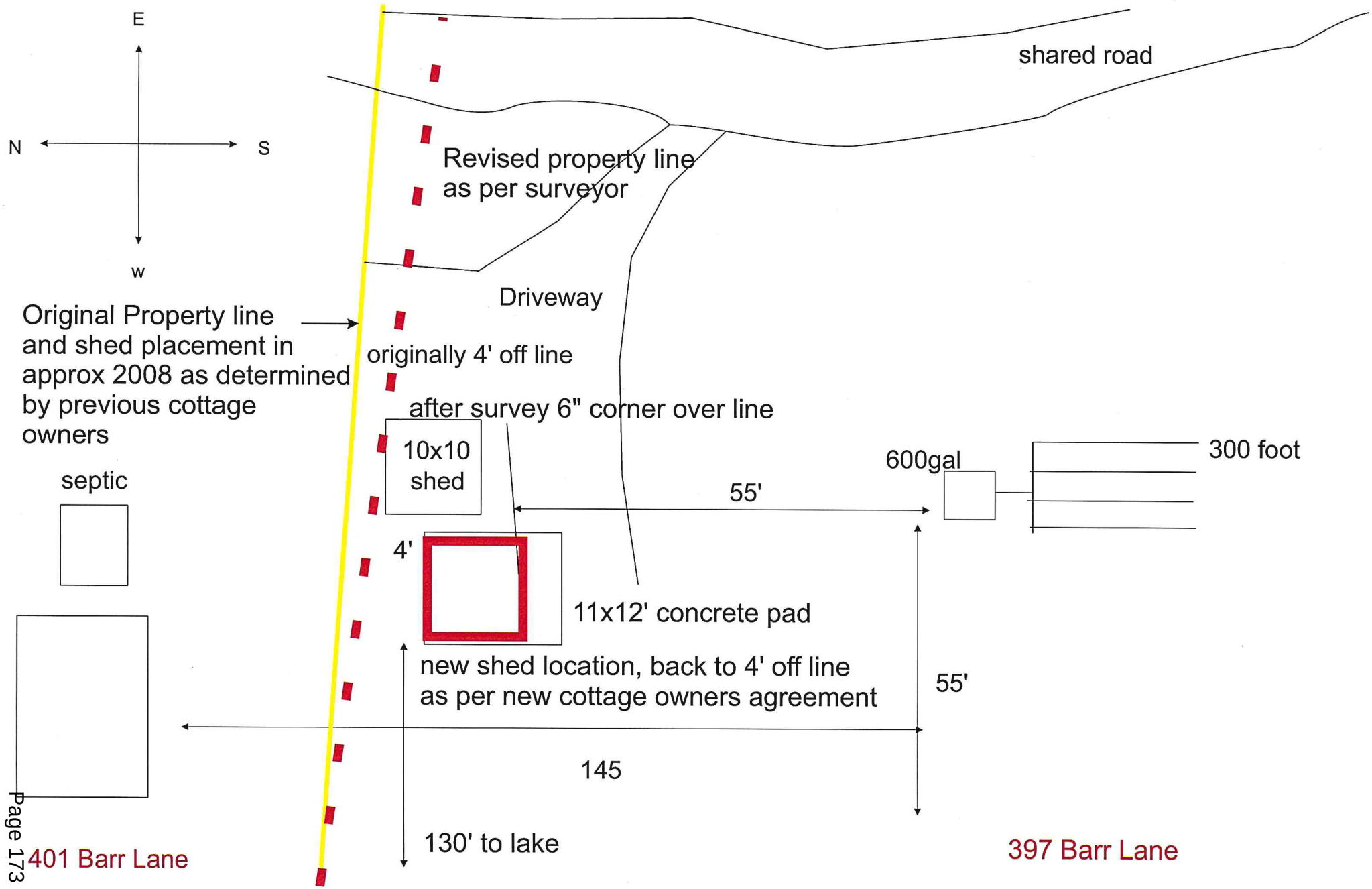
The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

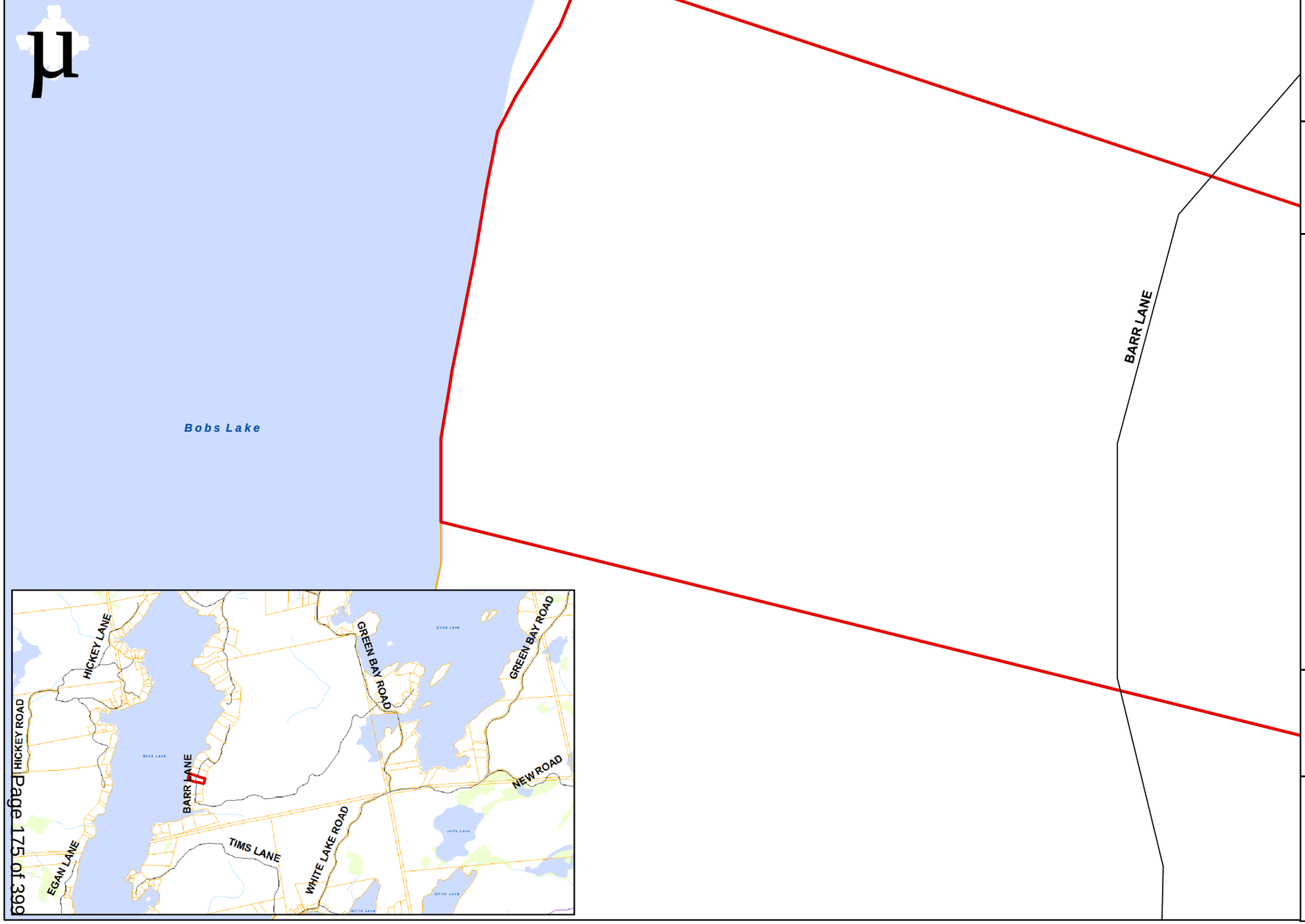
[redacted]


401 Barr Lane
N
W
E
S
New shed location, back to 4' off property line
as per new cottage owners agreement
145'
Previous location - shed placement
in approx 2008 as determined
by previous cottage owners
4'
130'
new
location
10x10
shed
30'
55'
600gal
300 foot
Barr Lane (roadway)
Approx 2km to Green Bay Rd.
397 Barr Lane
300+ ft
to next cottage
Barr Lane
5 min
2 km


390 to corner
Hill
358 to corner
Area enlarged on next page
E
N
S
W
Approx 2 km
to township road
see map on next page
shared road
Elevation 9
24
soil 2-3'
300 foot
shed
600gal
Forest
septic
100
55
10x10
92
Elevation 17
Neigbour 1
55
145
Storage
10x10
36'
Forest
vacant lot
13
22
130
24'
45
300' to next cottage
Elevation 25
397 Barr Lane - Riddell
613-967-7004
paul@progressiveinc.ca
Paper - 11x17
Scale - .25" = 5'
Date: June 24, 2016
Measurements in Feet
50
Lake
165


E
N
S
W
shared road
Revised property line
as per surveyor
Driveway
Original Property line
and shed placement in
approx 2008 as determined
by previous cottage
owners
originally 4' off line
after survey 6" corner over line
10x10
shed
septic
600gal
300 foot
55'
4'
11x12' concrete pad
new shed location, back to 4' off line
as per new cottage owners agreement
55'
145
130' to lake
401 Barr Lane
397 Barr Lane

Buck Bay
397 Barr Lane
Approx 2 km from
Green Bay Road
Barr Ln
Barr Ln
Barr Ln
Dementia Ln
Green Bay Rd
Green Bay Rd
White Lake Rd



RIDDELL
MV-43-19-B

Legend

Bobs Lake

Riddell Property

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

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

Scale 1:400

0 2 4 8 12 16 Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

PLANNING REPORT – MINOR VARIANCE APPLICATION

Report Date: July 6, 2020

Application No: MV-02-20-L
Owners: Brad & Amanda Vanderhaar
Location of Property: Part Lot 23, Concession 13, District of Loughborough, Township of South Frontenac, Twin Island Lane, Buck Lake
Purpose of Application: To vary Section 10.3.1 of the Township of South Frontenac Zoning By-law
Date of Hearing: July 9, 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-02-20-L to receive comments from the Ministry of the Environment, Conservation and Parks, as well as from Cataraqui Conservation.

Proposal

An application for minor variance was received to permit the construction of a one-storey seasonal dwelling with a walkout basement and an attached deck and screened porch on the subject property. The 0.16 hectare (0.4 acre) property is currently vacant. The proposed dwelling would have a rear yard setback of 6.5 metres (21.3 feet) instead of 10 metres (32.8 feet), and would require an increase in the allowable lot coverage for the principal building from 5% to 9.5%. The dwelling would be located a minimum of 30 metres from the high water mark of Buck Lake. A new tertiary septic system is proposed to be installed in a location that would comply with zoning requirements, including the minimum 30 metre setback from the highwater mark.

KFL&A Public Health provided supportive comments on this minor variance application.

Submitted by: Christine Woods, MCIP RPP, Senior Planner, Township of South Frontenac

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

Date of Site Visits: May 21, 2020 and June 24, 2020

Attachment: Map of the Vanderhaar property

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

Date Received: June 2, 2020 File No: MV-02-20-L

1. Name of Owner(s): Brad & Amanda Vanderhaar

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☒ Loughborough ☐ Storrington

Concession Number: 13 Lot Number: Part Lot 23

Street Number: _____ Name of Road/Street: Twin Island Lane

Reference Plan Number: FR218427 Part Number(s): _____

Roll Number: 102904004010300

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

Frontage (on water): 38.83m (127.40ft) Frontage (on road/lane): 31.63m (103.76ft)

Depth: 46.66m (153.09ft) Area: 1,612.69m2 (17,358.84 sq.ft.)

5. The current zoning of the subject land:

RLSW Limited Services Residential Waterfront

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

Reduction in setback from rear lot line from 10m to 6.5m for dwelling, 6.2m for septic tank, & 5.5m for septic field.

Increase in lot coverage from 5% to 9.5%.

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

To comply with the 30m set back from high water mark the proposed seasonal dwelling septic tank and septic field will need to enchroach into the 10m rear lot line set backand.

The 5% lot coverage provision on this existing undersized lot of +/-1613m2 only permits for a total of 80.7m2 (869sq.ft) in stucutues on the lot. Dwelling unit, screen in porch, decks, sleeping bunkies, garages, sheds, etc. The proposed dwelling with deck and porch are the only proposed structures. No other structures will be added.

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

Name of Road/Lane:

Twin Island 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.

Not applicable

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

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:

Seasonal Dwelling with class 4 septic system

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)** Seasonal Dwelling	**(2)** Tertiary Septic System Waterloo Biofilter	**(3)** Attached Open Deck	**(4)** Attached Screened Porch
Setback from Front Lot Line	32.16m	30.18m (contact area)	30.00m	31.05m
Setback from Rear Lot Line	6.57m	5.92m (contact area)	12.84m	12.55m
Setback from Side Lot Line	South 11.38m North 3.07m	South 3.28m North 25.41m (contact area)	South 16.67m North 3.72m	South 13.15m North 15.95m
Height of Building **(Also indicate if it is one story or two story)**	1 storey plus walk out basement 5.84m	N/A	1.77m	4.64m
Outside Dimensions of Building/Structure	17.30m X 7.25m	2.87m X 8.36m (contact area)	12.32m X 3.05m	3.53m X 3.48m
Setback from High Water Mark (If applicable)	32.16m	30.18m (contact area	30.00m	31.05m

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
(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 29 2019

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

Not applicable

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

Not applicable, undeveloped lot

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:

Proposed lake water intake

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

Proposed privately owned and operated individual Waterloo Biofilter septic system

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

Existing natural overland 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.

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

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of $747.00 representing payment of the application fee.

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

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

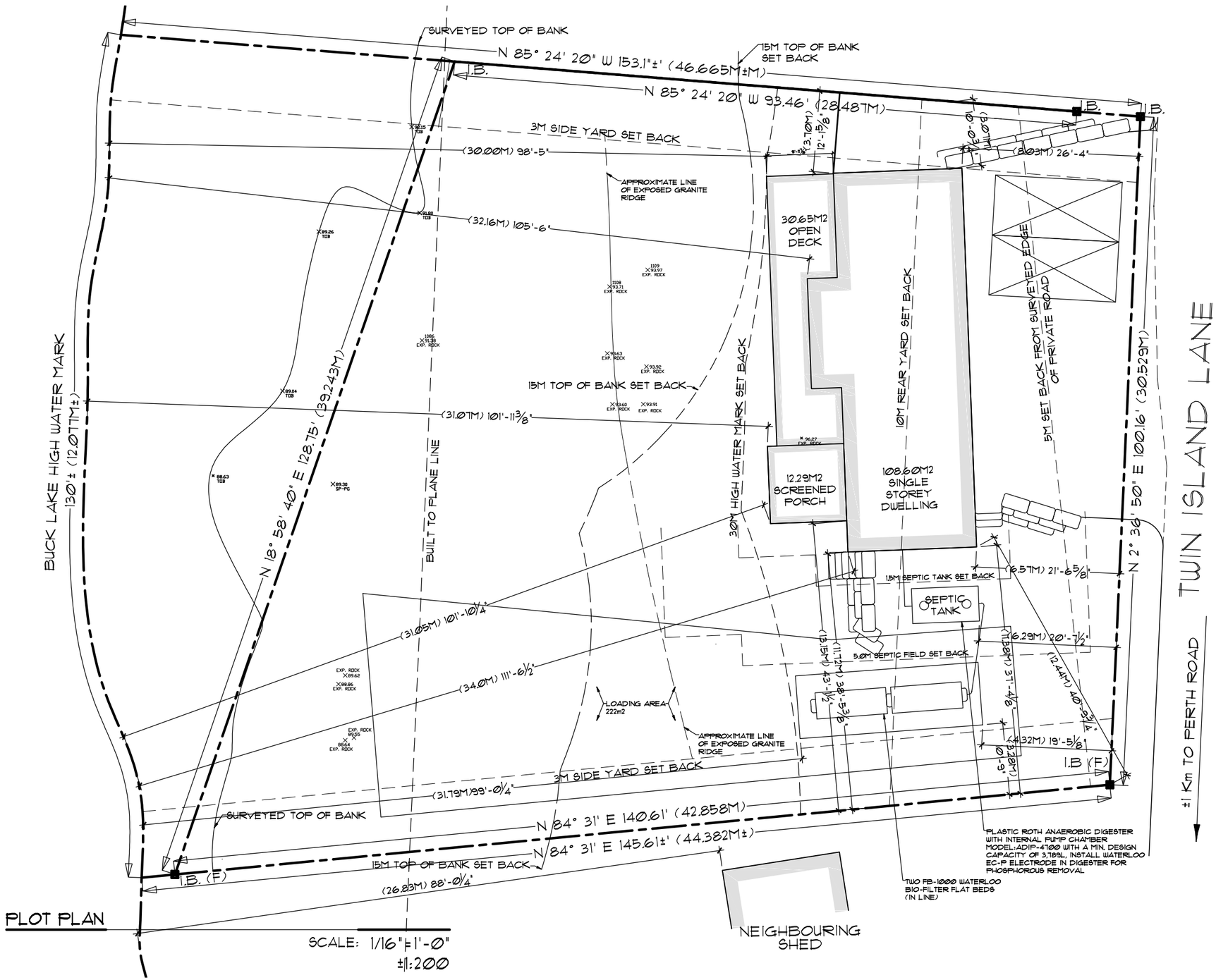
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]



PLOT PLAN

SCALE: 1/16"=1'-0"
±1:200

Disclaimer:
BV Design & Drafting is not responsible for any misinterpretation of these plans & will not take responsibility for change(s) made by the owner(s), contractor(s) or any official(s) regarding this project. plan(s) are not to be scaled. report and change(s) or error(s) to "BV Design & Drafting prior to construction in order to receive revised drawing(s). these plans are the property of the owner(s) or contractor(s) mentioned below. "BV Design & Drafting" reserves the right to reuse these plans in part or in whole. the owner(s) or contractor(s) shall not reuse these plans in any form or shape other then for this project. these plans form the basis of construction & have been designed to 2016 obc.

I, Brad Vanderhaar, declaire that 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

(signature)

Individual BCIN: 32114

Firm BCIN: 37558

BV Design & Drafting
Brad Vanderhaar
278 Welborne Ave.
Kingston Ont.
K7M 4G6
(613) 929-5957
brad@bpedevelopment.com

Description	Date:
House/Septic location revised	05-28-2020
House/Septic location revised	05-24-2020
House/Septic location revised	03-19-2020
Issued for minor variance application	02-09-2020

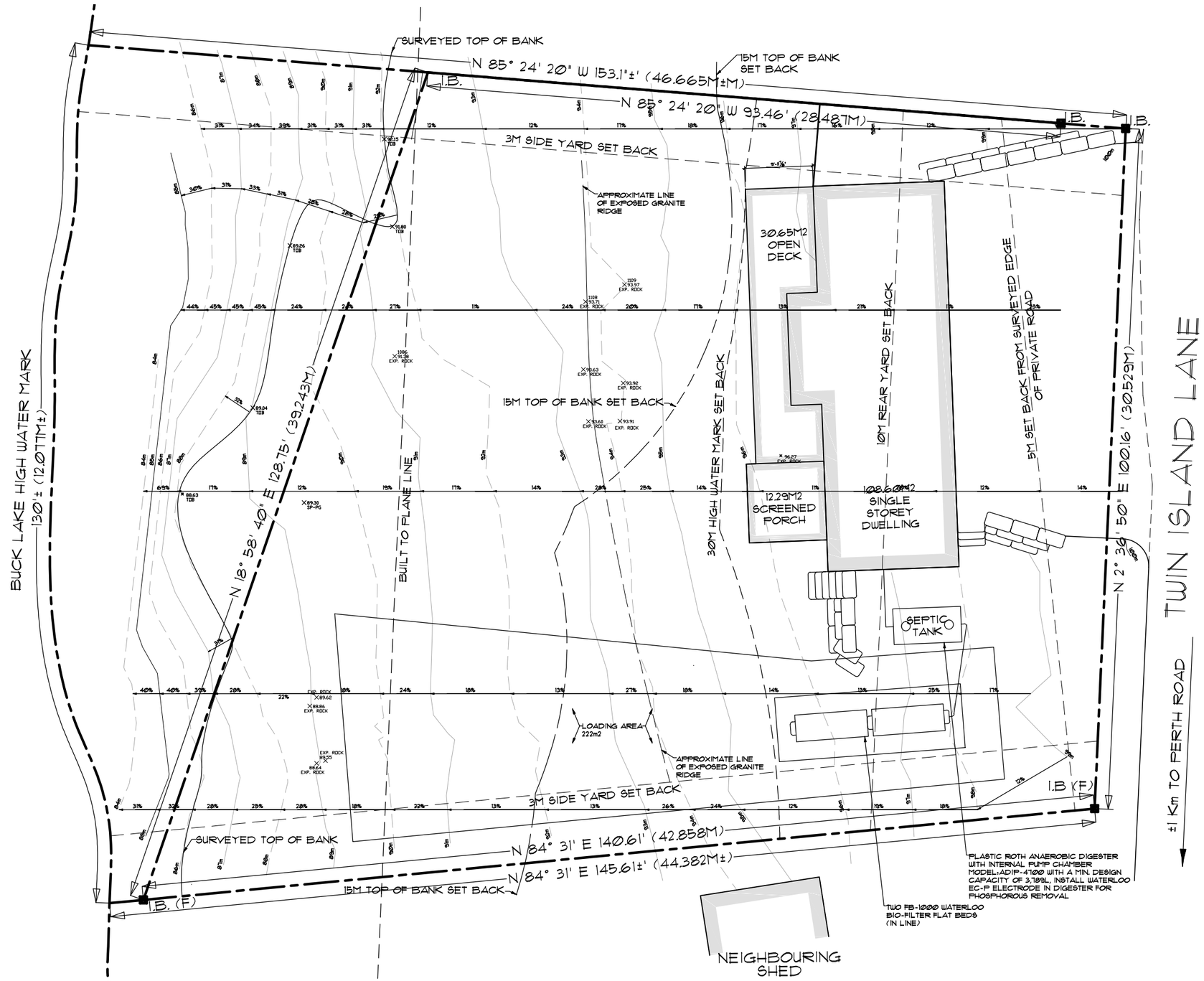
Revisions

Client
Amanda & Brad
Vanderhaar
Kingston Ontario

Project:
Twin Island
Lane
Cottage

Drawing Title:
Plot Plan

Drawn By: B.G.V.
Date: 02-09-2020
Scale: 1/16"=1'-0" 1:200 metric
Page: PL1



EXISITNG CONDITON TOPOGRAPHIC SURVEY

SCALE: 1/16"=1'-0"
±1:200

Disclaimer:
BV Design & Drafting is not responsible for any misinterpretation of these plans & will not take responsibility for change(s) made by the owner(s), contractor(s) or any official(s) regarding this project. plan(s) are not to be scaled. report and change(s) or error(s) to "BV Design & Drafting prior to construction in order to receive revised drawing(s). these plans are the property of the owner(s) or contractor(s) mentioned below. "BV Design & Drafting" reserves the right to reuse these plans in part or in whole. the owner(s) or contractor(s) shall not reuse these plans in any form or shape other then for this project. these plans form the basis of construction & have been designed to 2016 obc.

I, Brad Vanderhaar, declare that 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

(signature)

Individual BCIN: 32114
Firm BCIN: 37558

BV Design & Drafting
Brad Vanderhaar
278 Welborne Ave.
Kingston Ont.
K7M 4G6
(613) 929-5957
brad@bpedevelopment.com

Description	Date:
HOUSE/SEPTIC LOCATION REVISED	05-28-2020
HOUSE/SEPTIC LOCATION REVISED	05-24-2020
HOUSE/SEPTIC LOCATION REVISED	03-19-2020
ISSUED FOR MINOR VARIANCE APPLICATION	02-06-2020

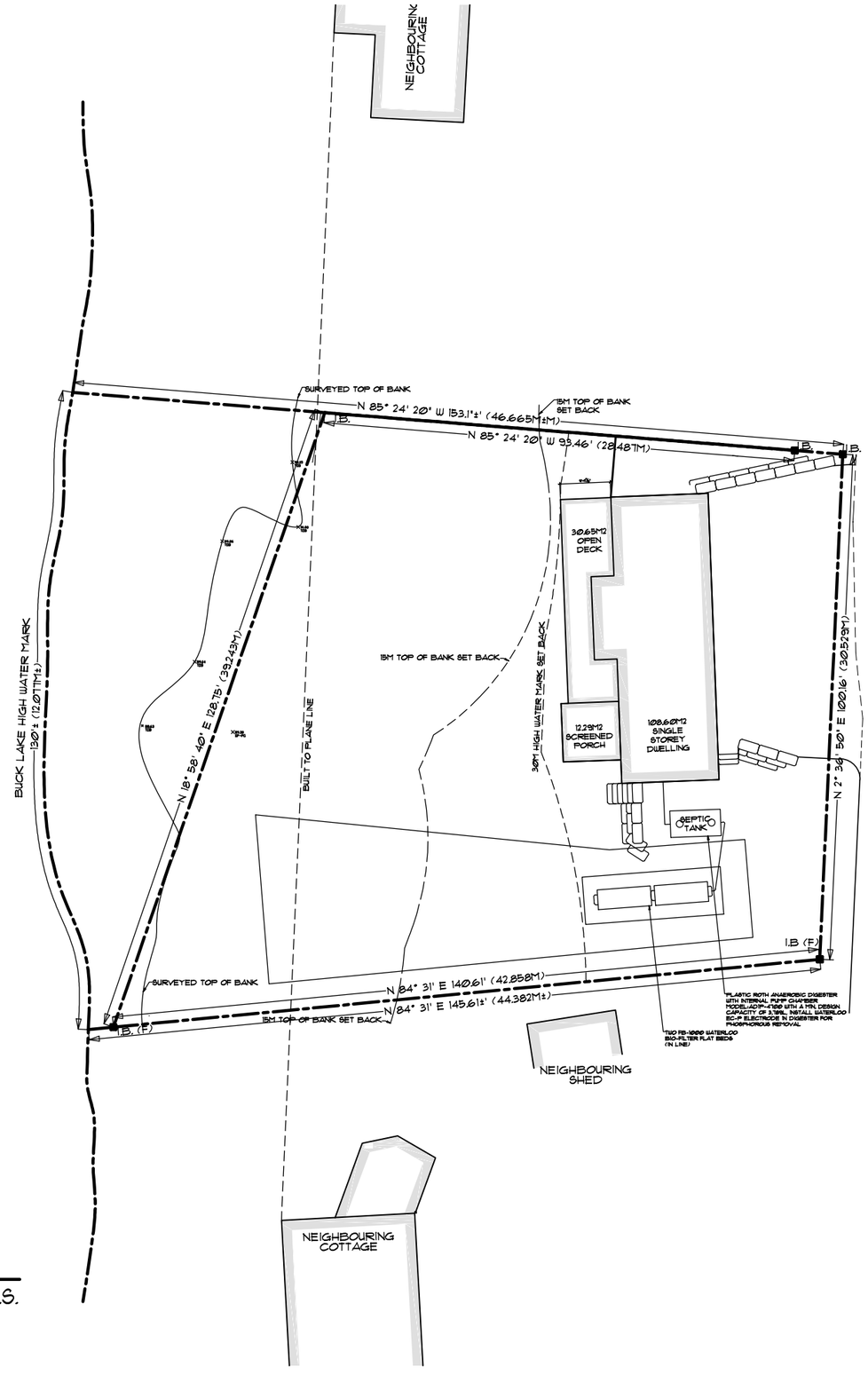
Revisions

Client
AMANDA & BRAD VANDERHAAR
KINGSTON ONTARIO

Project:
TWIN ISLAND LANE COTTAGE

Drawing Title:
EXISTING CONDITIONS TOPOGRAPHIC SURVEY

Drawn By: B.G.V.
Date: 02-06-2020
Scale: 1/16"=1'-0" 1:200 METRIC
Page: TS1



BUILT TO PLANE

SCALE: N.T.S.

Disclaimer:
BV Design & Drafting is not responsible for any misinterpretation of these plans & will not take responsibility for change(s) made by the owner(s), contractor(s) or any official(s) regarding this project. Plan(s) are not to be scaled. Report and change(s) or error(s) to "BV Design & Drafting prior to construction in order to receive revised drawing(s). These plans are the property of the owner(s) or contractor(s) mentioned below. "BV Design & Drafting" reserves the right to reuse these plans in part or in whole. The owner(s) or contractor(s) shall not reuse these plans in any form or shape other then for this project. These plans form the basis of construction & have been designed to 2016 OBC.

I, Brad Vanderhaar, declaire that 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

(signature)

Individual BCIN: 32114

Firm BCIN: 37558

BV Design & Drafting
Brad Vanderhaar
278 Welborne Ave.
Kingston Ont.
K7M 4G6
(613) 929-5957
brad@bpedevelopment.com

Description	Date:
House/Septic location revised	05-28-2020
House/Septic location revised	05-24-2020
House/Septic location revised	03-19-2020
Issued for minor variance application	02-06-2020

Revisions

Client
Amanda & Brad
Vanderhaar
Kingston Ontario

Project:
Twin Island
Lane
cottage

Drawing Title:
built to plane

Drawn By: B.G.V.

Date: 02-06-2020

Scale: not to scale

Page: TS 1

Ontario Lake Assessments
& Environmental Education Services

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

29 May 2020

Brad and Amanda Vanderhaar
278 Welborne Avenue,
KINGSTON, Ontario.
K7M 4G6

REGARDS: Preliminary EIA – MV -02-20-L; Twin Island Lane, South Frontenac Township, Loughborough District – Buck Lake (North Basin)

Dear Brad and Amanda Vanderhaar:

As a result of further revisions to your M.V. application, I am providing the following comments based on a review of the B.V. Design and Drafting drawings for the Plot Plan and the Existing Conditions Topographic Survey, revised as of May 28, 2020.

Further to my previous letter dated March 19th past, and in review of the revised drawings, the comments below reflect my opinion and position with respect to the upgrade from a proposed standard Class IV septic system (initial proposal) to a tertiary treatment Waterloo Biofilter septic system and the location as indicated on the south side of the proposed residence (BV Design Plot Plan –May 28, 2020).

The environmental and site observation discussion in the March 19 letter remains unaffected by these proposed revisions.

The Proposal:

The proposal is to construct a single story residence with a completed/finished walk-out basement. The entire residential structure can be located >30 metres from the HWM. In order to achieve this setback from the lake, relief from the minimum setback to the east property boundary will have to be approved.

A tertiary treatment Waterloo biofilter septic tank (an anaerobic digester equipped with an electrode phosphorus precipitator) is proposed to be located on the south side of the residence > 30 m from the HWM; this is in an easily accessible location for septic pump out servicing; the two biofilter flat beds that receive treated effluent all located outside of the 30m setback distance from the water.

Potential Impacts:

Since this is an existing vacant lot of record and the proposal seeks relief from the east lot line setback in order to satisfy the 30m setback from the HWM, this is the best development scenario that can be achieved for this lot with the least environmental impact. The proposal includes a tertiary treatment Waterloo biofilter septic system with the tank and filter bed located >30m from the HWM.

…. 2

This proposal does not include any in-water or near-shore works; it does not include filling, excavating or drainage works near the water and therefore physical impacts on fish habitat are not expected. There are no impacts to critical habitats for species at risk (SAR) as a result of this proposal.

Recommendations:

- The potential for erosion from increased energy associated with runoff from downspouts can be mitigated by directing downspouts into French Drains or onto splash pads.
- Appropriate construction methods to prevent erosion of soils and materials away from the building envelope during construction period must be in place.
- All excavation materials excess to the needs of the building must be removed from the site and not used as fill downgradient from the building envelope.
- The natural tree cover and understory in the area downslope from the residence, filter bed and contact area must be maintained in a natural state; the only grassed over area should be over the filter bed and contact area. The installation of sod over the contact area would stabilize the soil and prevent erosion in the event of a heavy rainfall event.
- A stairway providing access to the water is expected and permitted.

In my opinion, this development as proposed, inclusive of remediation recommendations, is the best that can be achieved on this lot.

If you have any questions in the above regard, please feel free to give me a call.

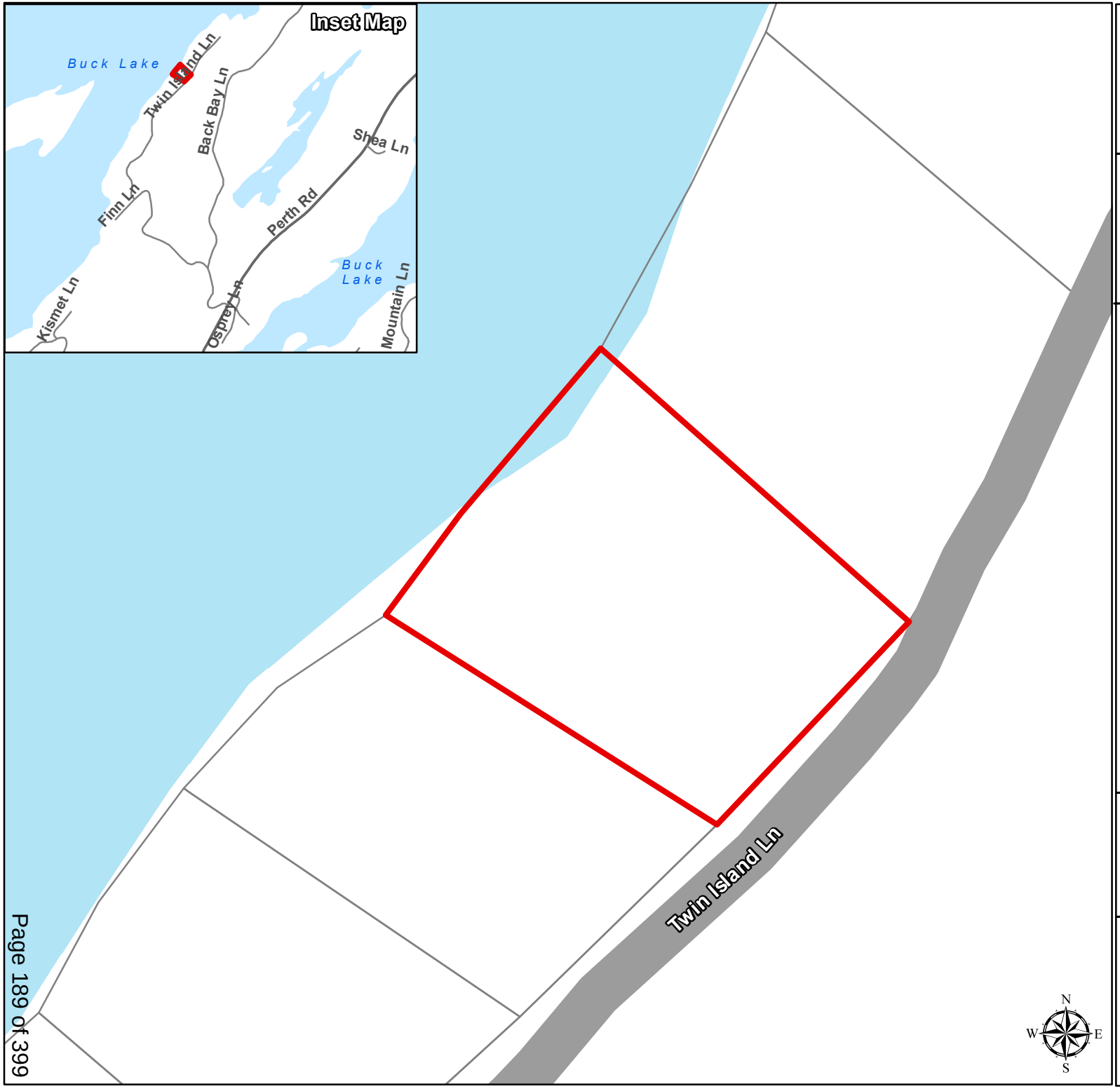
Respectfully yours,



Reginald Genge B.Sc.
Ontario Lake Assessments
3654 Stage Coach Road
RR #3
HARROWSMITH, Ontario
K0H 1V0
rgenge@xplornet.ca
613-305-3863

PDF copy by email to:

Claire Dodds, Director of Development Services SFT (cdodds@southfrontenac.net)
Christine Woods, Planner SFT (cwoods@southfrontenac.net)
Michelle Hannah, Planning Assistant SFT (mhannah@southfrontenac.net)



MV-02-20-L
VANDERHAAR

TWIN ISLAND LANE

Legend

- Vanderhaar Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- Waterbody
- River/ Stream

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

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

Scale 1:600

0 2.75 5.5 11 16.5 22

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-02-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Vanderhaar, Brad and Amanda
Location:	Part Lot 23, Concession 13; Buck Lake Twin Island Lane, Roll # 102904004010300 Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	Following revisions to the site plan, KFL&A Public Health supports the proposed minor variance application. The sewage system is now proposed to be 30 metres from the high water mark of Buck Lake, and more than 15 metres from the top of the bank. Further details regarding the sewage system will be addressed at the permit stage.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	June 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.

June 26, 2020

File: MV/FRS/40/2020
(revised submission)

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 Minor Variance MV-02-20-L (Vanderhaar)
Part Lot 23, Concession 13; Twin Island Lane
Loughborough District, Township of South Frontenac
Waterbody: Buck Lake

Cataraqui Conservation staff have reviewed a revised submission for 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 April 24, 2020.

Summary of Proposal

The proposal involves the construction of a single-family dwelling on the subject property. The revised variance request is to:

- Reduce the setback from the rear lot line from 10 metres to 6.5 metres for the dwelling, 6.2 metres for a septic tank, and 5.5 metres for a septic field.
- Increase lot coverage from 5% to 9.5%.

Site Description

The property is located on the eastern shore of the north bay of Buck Lake. The topography of the site can be characterized as having a steep embankment at the shoreline, then continuing to rise less steeply toward Twin Island Lane to the east. Presently, the lot is wooded.

The property is currently designated 'Rural' in the Official Plan and 'Limited Service Residential – Waterfront Zone' (RLSW) in the implementing Zoning By-law for South

Frontenac Township. Buck Lake is 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, 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 for bedrock shorelines of 1 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres. Based upon observations and measurements taken at the site, staff estimate the total erosion hazard to be approximately 12 metres measured inland from the toe of slope. The proposed development will be located outside of the erosion hazard allowance. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the 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 minimum 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 highwater mark of a waterbody.

The revised proposal places both the dwelling and the main components of the sewage system beyond the 30 metre water setback. The septic mantle is the only development proposed within the 30 metre water setback. While the revised proposal is certainly preferable to the previous submission, staff continue to be concerned with the size of the building footprint as the applicant continues to seek relief to double the maximum allowable lot coverage from 5% to 9.5%. 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 provisions of the PPS and the Official Plan, particularly when a property is located on a sensitive Lake Trout lake. This issue is not and cannot be addressed in the Preliminary EIA submitted with the application. Staff continue to recommend that the size of the development be reduced to have regard for the intent of the PPS and the Official Plan. In the opinion of staff, the scale of development that is being proposed is simply too large for the lot.

Therefore, staff do not support approval of the minor variance application.

Recommendation

Staff recommend deferral of application MV-02-20-L to allow the applicant to consider a reduction to the size of the building.

Ontario Regulation 148/06

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

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Michelle Hannah, South Frontenac Township (via e-mail)
Brad & Amanda Vanderhaar (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks (via e-mail)

Claire Dodds

From: Orpana, Jon (MECP) [redacted]
Sent: July-07-20 5:07 PM
To: Andrew Schmidt; Claire Dodds
Cc: Michelle Hannah; Castro, Victor (MECP); Anna Geladi
Subject: RE: MV-02-20-L (Vanderhaar) - conservation comments

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Claire,

Andrew - Thank you for a copy of your comments regarding the Vanderhaar Minor Variance received today on Buck Lake which is at Capacity for development.

This ministry fully supports the proponent's work in moving the footprint of development (septic and dwelling) largely out of the 30 m setback from the high water mark.

However, considering the "at capacity" status of the lake and the nature of its sensitivity to ongoing nutrient loading and encroachment pressures the ministry feels that lot coverage limits are an important planning tool that municipalities have to control the size and density of development that would be in keeping with the size of the lot in question. In order to mitigate cumulative impacts to the lake (such as maintaining local aesthetics and rural character); development density should continue to be regulated through zoning and lot coverage. The Ministry of Environment, Conservation and Parks fully supports the planning opinion and position of the Cataraqui Conservation Authority regarding encroachment concerns to the lake, particularly those of lot coverage.

We agree and fully support that lot coverage is an important tool that municipality's should use to limit the sprawl and size of development that is not in keeping with the size of the local lot fabric.

Regards,

Jon Orpana,
Environmental Planner / Environmental Assessment Coordinator
Ontario Ministry of the Environment, Conservation and Parks
Environmental Assessment and Permissions Division
Environmental Assessment Branch
1259 Gardiners Road, Unit 3
Kingston, Ontario
K7P 3J6

[redacted]

Michelle Hannah

From:	Colin's Home [redacted]
Sent:	July-05-20 6:57 PM
To:	planning
Cc:	Vanderhaar Brad; Johnson Ellen
Subject:	Re July 9, 2020 review of application MV-02-20-L

Dear Mesdames/Sirs,
My wife and I are neighbours of the Vanderhaar property on Twin Island Lane under consideration for a minor variance for the construction of a new cottage. (Application: MV-02-20-L) We have reviewed the application on your website and visited the property. We do not know the Vanderhaar's but we write to support their application, which seems to be a reasonable accommodation to the site's limitations, while maintaining the required 30m. setback from the lake. The proposed rear yard reduction does not impede the lane in any way and there is nothing on the other side of the lane except a cliff face, so no other buildings are possible behind the proposed cottage that might be impacted.

We welcome this new cottage and neighbour.

Colin and Ellen Johnson,
[redacted]

Michelle Hannah

From: Vera Saarinen [redacted]
Sent: July-07-20 4:14 PM
To: planning
Subject: MV-02-20-L (Vanderhaar)

To whom it may concern

Our family cottage is located on the north shore of Buck Lake, right across from Frontenac Provincial Park. My concern is allowing a variance to reduce the rear yard setback to Twin Island Lane. By allowing this variance will it openthe door for other cottagers and proposed future land purchases to do the same? Can any future property purchases along this stretch of lake property be given this variance even though present zoning by law forbid it. The addition of new cottages may threaten the present existing shoreline and park property which host a vast array of flora, fauna and wildlife which visitors to the park currently enjoy. Buck Lake is a sensitive deep water lake hosting trout and other fish and water life species that need to be preserved.
I hope this is taken into consideration of what further development may do to this particular part of Buck Lake. I hope the committe takes this into consideration before approving the application.
Thank you
Rev. Jukka Saarinen

Sent from my Galaxy Tab® E
Get Outlook for Android

Michelle Hannah

From: Ted Gill [redacted]
Sent: July-07-20 1:35 PM
To: planning
Cc: Brad VanderHaar; Laura Gill; Sandra Binnington
Subject: Minor Variance Application MV-02-20-L

My name is Edward M. (Ted) Gill. I and my two sisters will soon be getting title to 1265 Twin Island Lane from our mother, Grace Gill (now 94, and for whom I and one sister have PoA). I have discussed this application with my sisters and we all agree on the comments below.

I am a retired Registered Professional Engineer and Registered Professional Planner in Ontario. Interestingly, both I and one of my sisters attempted to buy the former Boctor lot on separate occasions decades ago, but we were unsuccessful. We both came to realize that variances would be required in order to build a cottage of reasonable size and dimensions on the relatively small lot of record.

We have reviewed the plans submitted by Brad and Amanda Vanderhaar and find them and the requested variances reasonable. In fact, if I were trying to develop the lot myself today, my plans would probably look very similar to the submitted plans.

Respectfully submitted,
Ted Gill.
--
(from Ted Gill's iPhone)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: July 2, 2020

Application No: MV-06-20-B
Owner: Anna Marie Turney & Mario Varthalitis
Location of Property: Part Lot 24 & 25, Concession 10, being Part 1 on Plan 13R7305 and Parts 1, 2 & 4 on Plan 13R13675, 721A Lee Road, Wolfe Lake, District of Bedford, Township of South Frontenac
Purpose of Application: To vary Section 5.24.2 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: July 9, 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: Environmental Protection & Rural	**Zoning:** RW – Waterfront Residential zone
Zoning Relief Requested:	
Section 5.24.2: Accessory Buildings	**Relief:** To permit the construction of an accessory building (detached garage) in the projected front yard, whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

Review:

This application:

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

✓ Conforms with the general intent and purpose of the County of Frontenac Official Plan;

✓ Conforms with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ Is desirable for the appropriate development of the lands in question; and

✓ Is minor.

Proposal

An application for minor variance has been received, to permit the construction of a 133 metre^2 (1440 feet^2) detached garage (accessory building) within the projected front yard of the subject property.

The subject property is located on Lee Road, and is municipally known as 721A Lee Road. The subject property has waterfront on Wolfe Lake, off the Wolfe Lake Complex which is provincially significant wetland. The parcel is 13.67 acres (5.5 hectares) and contains a 3 bedroom cabin, a storage unit and a single detached dwelling. The dwelling is a single storey in height with a walkout basement, and is located approximately 120 metres (394 feet) from the highwater mark of Wolfe Lake and is outside the 120 metre adjacent lands of the provincially significant wetland. The dwelling is approximately 353 metre^2 (3800 feet^2) and meets all the required setbacks from the RW – Waterfront Residential zone. The 3 bedroom cabin is one story in height, approximately 118 metres^2 (1272feet^2) and located approximately 25 metres (82 feet) from the highwater mark of Wolfe Lake. The cabin has an associated above ground pool. The cabin is proposed to be removed from the subject property and the applicant is working with title insurance and the building department to ensure removal of the cabin to bring property into zoning conformity. The storage unit is approximately 40.87 metre^2 (440 feet^2) and approximately 40 metres (131 feet) from the highwater mark of Wolfe Lake and is located within the 120 metre adjacent lands of the provincially significant wetland.

The proposed detached garage is 133 metres^2 (1431.4 feet^2) in size, a single storey in height of 5.8 metres (19 feet), has a front yard setback of approximately 1232 metres (4042 feet) and a side yard setback of approximately 50.6 metres (166 feet) to the west property line. The garage would be located approximately 30 metres (100 feet) from the existing dwelling. The garage would be located off the circular drive and approximately 1 km from the road. The proposed detached garage would be located outside of the 120 metre (394 feet) adjacent lands of the provincially significant wetland and generally achieve a greater distance than 150 metres (492 feet) from the highwater mark.

The applicant has noted that there is a hydro pole to the north and the elevation of the house being deep is the reason that the applicant has proposed to construct the garage in front of the existing house. The applicant is proposing the garage in a portion of the yard that is flat and it is adjacent to the existing driveway. Additionally, the applicant has noted moving the garage further to the rear of the property would cause the garage to be located inside the 120 metre adjacent lands of the provincially significant wetland.

Agency Analysis and Comments

Public Services Department – Public Services is satisfied that the location of the proposed detached garage is acceptable, given that it meets the minimum front yard setback for structures in the Residential - Waterfront zone.

KFL&A Public Health – No development is proposed in proximity to the septic system on the northwest side of the existing dwelling for this minor variance application, therefore KFL&A Public Health was not circulated.

Rideau Valley Conservation Authority – 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.

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 Environmental Protection and 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 amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

- The variance conforms to the general intent and purpose of the Official Plan as the proposed development (detached garage) is consistent with the residential use of the property, and the character of Lee Road.

- Section 5.2.5 Significant Wetlands speaks to all lands that have been evaluated through the Provincial Wetland Evaluation System as being Provincially Significant. 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 until it has been determined through an Environmental Impact Assessment, completed in accordance with Section 5.2.11 that there will be no negative impacts on the natural features or ecological features of the wetland.

  - The proposed detached garage is proposed to be located outside of the 120 metre (394 feet) adjacent lands to a provincially significant wetland.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

- Section 8 of the Zoning By-law details the permitted uses and zone regulations for RW – Waterfront Residential zone, including those regulations applicable to accessory buildings not attached to the principal building. Section 5.24.2 of the Zoning By-law details the permitted location of accessory buildings where any accessory building which is not part of the main building shall be erected to the rear of the projected front or exterior side wall of the main building.

  - The variance conforms to the general intent and purpose of the Zoning By-law as the location of the garage complies with the setback requirements of the RW – Waterfront Residential zone, with the exception that it is proposed within the projected front yard of the existing dwelling. The existing dwelling has a walk-out basement, there are provincially significant adjacent lands in the projected rear of the dwelling, there is a hydro pole to the north and the dwelling is sloped and not suitable building location for the garage. The proposed location is adjacent to the existing circular driveway.

Is the application desirable for the appropriate development of the lands in question?

- The variance is desirable for the appropriate development of the subject property, as a detached garage is accessory to the existing single detached dwelling. It is located a suitable distance from the front and side property lines, and meets the setback requirements for a single detached dwelling and accessory building in the RW – Waterfront Residential zone.

Is the application minor?

- The variance is minor as it will not cause any negative impacts as a result of its location within the projected front yard. The proposed garage does not exceed the maximum lot coverage for accessory structures and complies with the maximum permitted height of 6 metres (19.7 feet). The garage is setback sufficiently that it will not impede sight lines for any development on adjacent properties.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-06-20-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 the construction of a one-storey detached garage of 132.98 metres^2 (1431.4 feet^2), to be constructed to the west of the existing single detached dwelling, as per the drawings submitted with MV-06-20-B. The garage will be approximately 1232 meters (4042 feet) from the front property line, approximately 50.6 metres (166 feet) from the side (west) property line, greater than 150 metres (492 feet) from the highwater mark of Wolfe Lake and outside of the 120 metre (394 feet) adjacent lands to the provincially significant wetland and generally 30 metres (100 feet) from the existing dwelling.

2. 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.

3. Minor variance MV-06-20-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, Township of Frontenac

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

Date of Site Visit: June 25, 2020

Attachments: Map of the Turney & Varthalitis property

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

Date Received: March 2, 2020 File No: MV-06-20-B

1. Name of Owner(s): Anna Marie Turney + Mario Varthalitis

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: Con 10 Pt Lot Number: Lot 24 + 25 PR

Street Number: 721a Name of Road/Street: Lee Rd. Godfrey

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

Roll Number: 010 - 010 - 19810 - 0000

13R7305 Part 1
+ RP 13R13675 3

4. The frontage(s), depth and area of the subject land. 394.4 feet

Frontage (on water): 350' Frontage (on road/lane): 120.22 meters

Depth: 1382.83 meters Area: 13.67 acres. 5.5 hectares

GARAGE is one Km from road.

5. The current zoning of the subject land:

RW Residential

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

Putting garage in front yard, off the circular driveway

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

If the ~~new~~ garage was moved north, the hydro pole is in the way, & the land is not flat; the elevation beside house is deep. the new garage is accessible from the circular driveway

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

Name of Road/Lane:

Lee Rd.

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

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

Residential.

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) Garage.	(2)	(3)	(4)
Setback from Front Lot Line	>700 m	2296.6 ft		
Setback from Rear Lot Line	>100 m	328 ft		
Setback from Side Lot Line	>700 m	230 ft		
Height of Building (Also indicate if it is one story or two story)	19'	5.8 m		
Outside Dimensions of Building/Structure	36' x 40'	10.9 x 12.2 132.98 m2		
Setback from High Water Mark (If applicable)	>120m PSW Buffer >150			

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

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

If yes, please provide details:

* We will tear down 3 bdrm cottage close to waterfront once title insurance approves.
* We did not know we couldn't keep 2 residences when we bought it + later found out when applying for bldg permit that previous owner was supposed to demolish the old cottage before getting occupancy permit for new home.

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

Type of Structure (E.g. residence)	(1) log house	(2) 3 bdrm cabin	(3) garage / storage	(4)
Setback from Front Lot Line	7100 m 2296.6 ft	45.72 7150'	>775 m 2542.6 ft	
Setback from Rear Lot Line	7100 m 328 ft	<30 meters 90 ft	140 ft 42.6m	
Setback from Side Lot Line	70m, > 230 ft	>100' 30.48	30 ft 9.1	
Height of Building (Also indicate if it is one story or two story)	30 ft ± Walk out basement 9m	One story	one story	
Dimensions of Floor Area	3800 sq ft 353 sqm	1272 sq ft 118	440 sq.ft 40.87	
Setback from High Water Mark (If applicable)	≈120 m or ≈150 ft approx 115m	<30 m approx 25m	unsure approx 40m	

13. The proposed uses of the subject land:

Garage

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

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:
Property Purchased Oct 29/19

20. The date the existing buildings and structures were constructed on the subject lands:
4 bdrm log cabins built 11 yrs ago / 3 bdrm cabin built 50's

21. The length of time that the existing uses of the subject land have continued:
log house 11 years cabin built in 1950'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:
Wells

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?
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.

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

A Guide to Completing the Minor Variance Form

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

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

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

[redacted]

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)

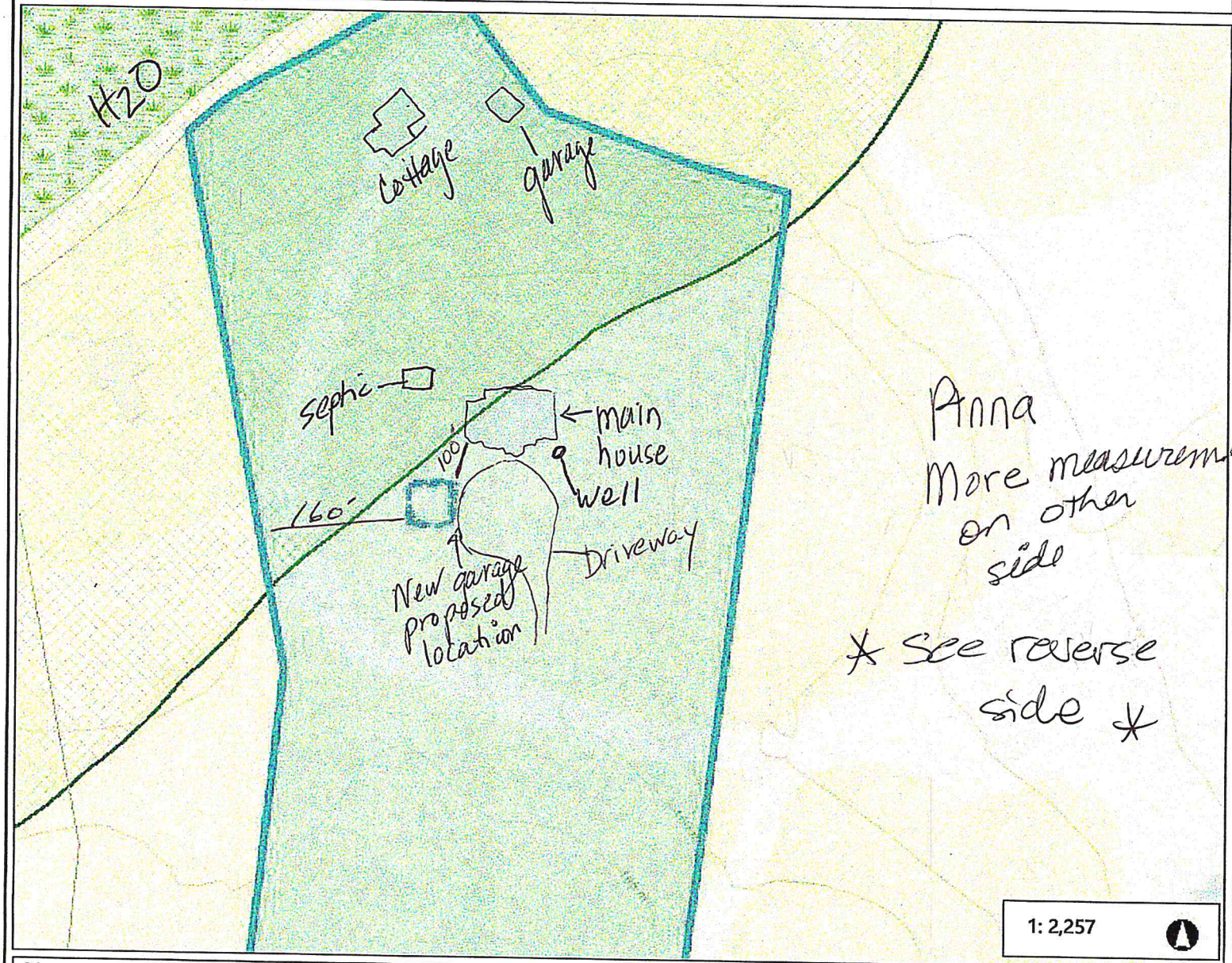
27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

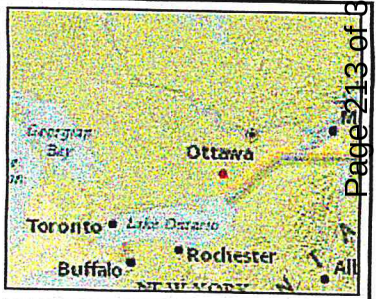
28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

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.

FRONTENAC | Map Title 721a Lee Rd.





Legend

- Parcels
- Provincially Significant Wetland
- PSW 120m Buffer
- Citations

1: 2,257

0.1 0 0.06 0.1 Kilometers

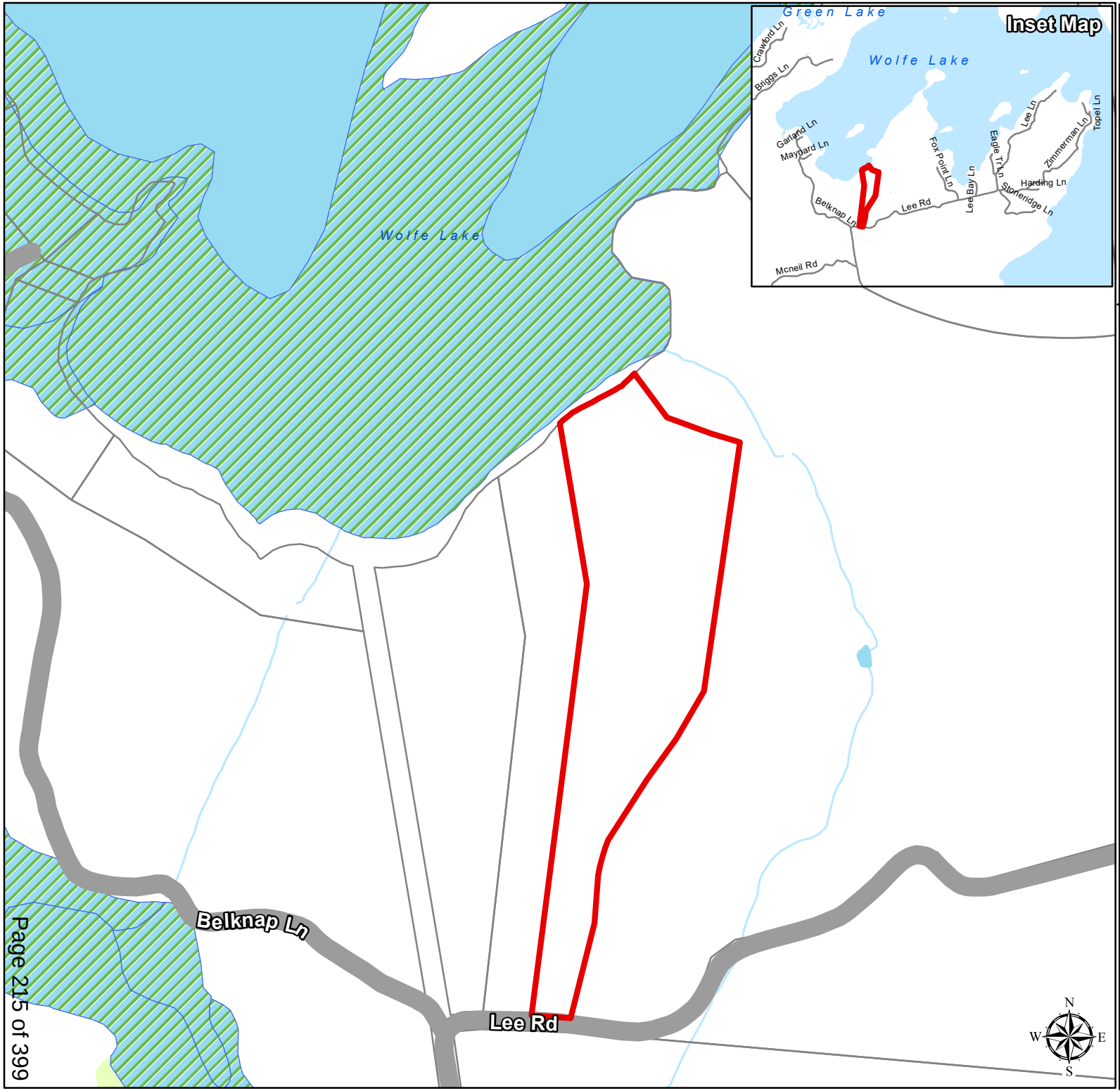
WGS_1984_Web_Mercator_Auxiliary_Sphere

© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

H2O
North
DRIVEWAY
House
DRIVEWAY
BIG HILL
septic
100'
32'
110'
40'
36'
165'
Lot Line



TOWNSHIP OF SOUTH FRONTENAC

MV-06-20-B
(Turney & Varthalitis)

721A LEE RD

Legend

- Turney & Varthalitis Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- Waterbody
- River/ Stream

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 1:5,000

0 20 40 80 120 160

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

June 29, 2020
20-SFR-MVA-0008 (BEDFORD)

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

Attention: Anna Geladi

Subject: **TURNEY, Anne Marie & VARTHALITIS, Mario;** Application **MV-06-20-B** – 721a Lee Road, Part Lots 24/25, Concession 10; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 102901001019810000000

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 133.78 m^2 (1,440 ft^2) garage setback approximately 120 metres from the normal highwater mark of Wolfe Lake.

The Property

The subject property is indicated as being approximately 5.64 hectares with a frontage on Wolfe Lake of 106.68 metres. It is currently occupied by a single-detached dwelling.

A review of our records indicated the presence of the Wolfe Lake Complex Provincially Significant Wetland in relation to the subject property. Steep slopes have also been identified, although it is understood that the proposed construction avoids these potential hazards. The property overlies a highly vulnerable aquifer as indicated in the Mississippi-Rideau Source Protection Plan.

Review Comments

Provincial Policy Statement

Our office does not have any concerns in respect of Section 2.1 or 3.1 of the PPS.

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

Ontario Regulation 174/06

The applicants should be aware that about 25% of the subject property is regulated, either as a provincially significant wetland, adjacent lands or watercourse under Ontario Regulation 174/06 (please see the enclosed map depicting the extent of the regulated area). 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 garage in the location indicated.

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.

- 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 its comments and recommendations noted on any decision from the Committee.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 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 RPP MCIP
Planner

cc – Ms. Turney, owner
cc – KFLPHA

PLANNING REPORT – MINOR VARIANCE APPLICATION

Report Date:	July 6, 2020
Application No:	MV-08-20-B
Owners:	Jeff & Mary Bumstead
Location of Property:	Part Lot 1, Concession 12, Parts 10 to 12 on Plan 13R3809, District of Bedford, Township of South Frontenac, municipally known as 10 Barrett Lane, Buck Lake
Purpose of Application:	To vary Sections 5.8.2 (a) and 8.3.3 of the Township of South Frontenac Zoning By-law
Date of Hearing:	July 9, 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-08-20-B to provide additional time for KFL&A Public Health to review the proposal and to provide comment, and to receive comments from Cataraqui Conservation.

Proposal

An application for minor variance was received to permit the construction of a one-and-a-half single detached dwelling with a walkout basement and an attached deck on the 0.5 hectare (1.3 acre) subject property. The proposed setback from the dwelling to the highwater mark of Buck Lake is 15 metres (49 feet). The existing cottage and shed, set back 0.9 metres (3 feet) and 15 metres (49 feet) from the highwater mark respectively, would be demolished. A new tertiary septic system is proposed to be installed in a location that would comply with zoning requirements including a minimum 30 metre setback from the highwater mark.

The subject property is zoned RW-16. The site-specific RW-16 zone permits a maximum of 33 parking spaces for the exclusive use of 33 water access only lots located on Porcupine Island. These lots have deed rights to park at this location. The parking spaces are located on land between Perth Road and Barrett Lane.

Submitted by: Christine Woods, MCIP RPP, Senior Planner, Township of South Frontenac

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

Date of Site Visit: June 24, 2020

Attachment: Map of the Bumstead property

Amended May 29 2020

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

Date Received: March 12 2020 File No: _____

1. Name of Owner(s): Mary + Jeff Bumstead

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: RoxAnne Darling (Evergreen Concepts)

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]

3. The description of the subject land:

District: ✓ Bedford Portland Loughborough Storrington

Concession Number: 12 Lot Number: PT 1

Street Number: 10 Name of Road/Street: Barrett Lane

Reference Plan Number: 13R3809 Part Number(s): 10 to 12

Roll Number: 010-030-16430-0000

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

Frontage (on water): 82 m Frontage (on road/lane): 74 m

Depth: 69m Area: 5427 sqm

5. The current zoning of the subject land:

RW-16

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

We are seeking relief from section 5.8.2, 5.10.2 & 5.11

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

The lot is undersized by todays standards, Due to the Topography of the property and to allow room to install a new Septic at ~~30~~ 30m - we need to Place the new Home where Propose!

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

Name of Road/Lane:

Barrett Lane

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

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

Seasonal

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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Seasonal Cottage w Deck	To Be Removed Shed	Septic	
Setback from Front Lot Line Road	59.73 m	52.64 m	48.2 m	
Setback from Rear Lot Line				
Setback from Side Lot Line	29.70 m	31.86 m	38.4 m	
Height of Building (Also indicate if it is one story or two story)	1 Story			
Dimensions of Floor Area	Cottage 64.10 sm Deck 37.53 sm	9.10 sm		
Setback from High Water Mark (If applicable)	0.9	15.04 m	12.50 m	

13. The proposed uses of the subject land:

Residential

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

☑ Yes ☐ No

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

Proposed

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	Residence	Deck	Septic	
Setback from Front Lot Line Road	43.22 m		38. m	
Setback from Rear Lot Line				
Setback from Side Lot Line Water	35.03 m 27.18 m	27.18 m		
Height of Building (Also indicate if it is one story or two story)	1½ story 9.26 m			
Outside Dimensions of Building/Structure	7.31 m x 11.58 m including Deck			
Setback from High Water Mark (If applicable)	15 m - min		Please see Attached Engineer Septic Design.	

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

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

If yes, please provide details:

We plan on Demo of Existing Cottage and rebuild of new home with greater Setback from water

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

If yes, please provide details:

Addition of second story + 1.78 m crawl space

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:

2015

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 – many 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:

existing Fresh water intake – proposed 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- proposed new tertiary system

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

Natural grades of the land

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.

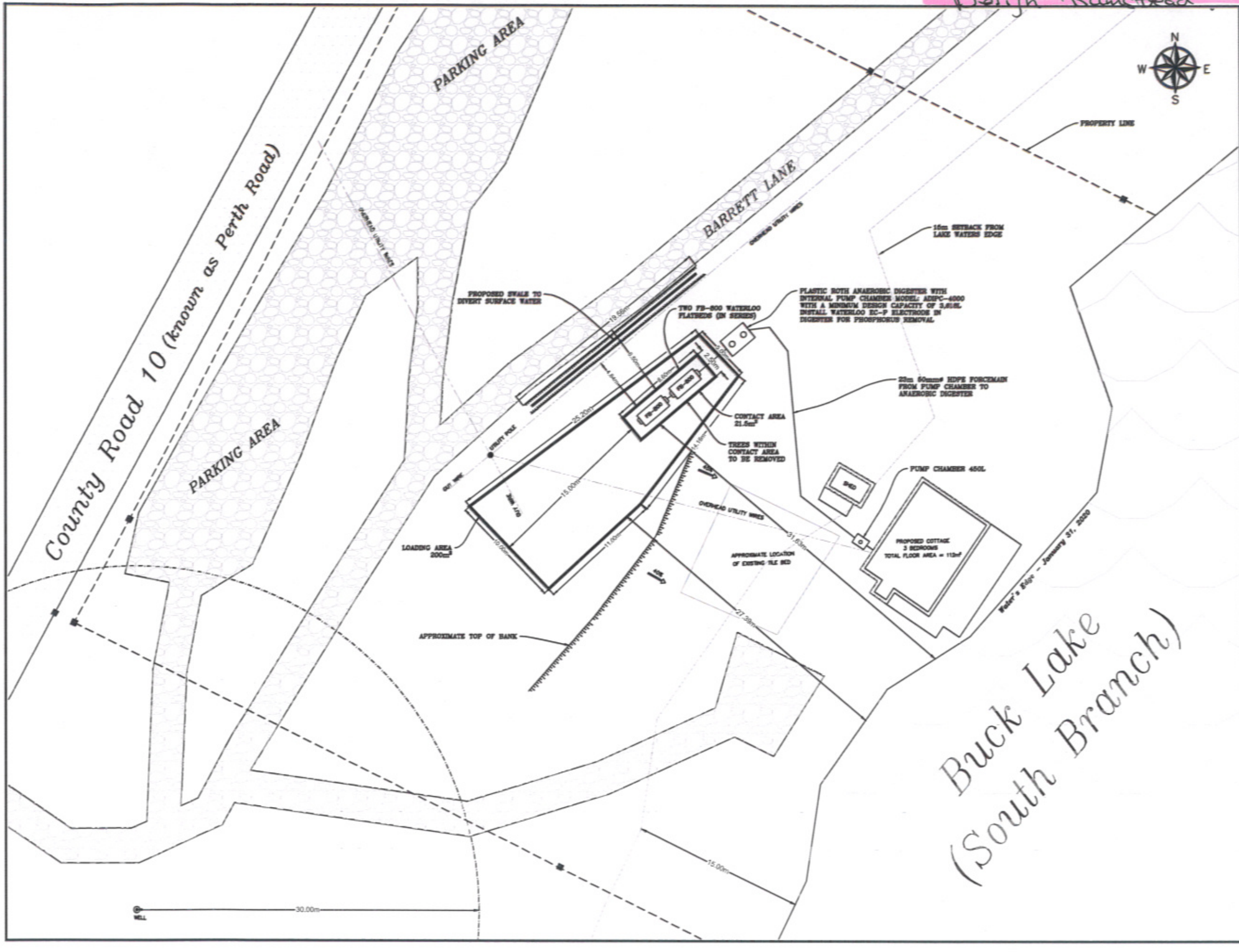
The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses 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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]

Proposed Engineered Septic Design Bumstead



Groundwork Engineering Limited

GEOTECHNICAL • CIVIL • STORMWATER • ONSITE WASTEWATER

UNIT 640 - 654 NORRIS COURT
KINGSTON, ONTARIO
OFFICE (613) 634-1789



CALCULATIONS AS PER ONTARIO BUILDING CODE PART 8

DAILY SEWAGE FLOW DETERMINATION

- HOUSE
  - 3 BEDROOMS = 1,600 L/D
  - FIXTURES NUMBER = 16 < 20 = 0 L/D
  - TOTAL FLOOR AREA = 112m² < 200 = 0 L/D

TOTAL = 1,600 L/DAY

ANAEROBIC DIGESTER SIZING

- 1,600 L/DAY X 1.89 = 3,024L

MINIMUM ANAEROBIC DIGESTER VOLUME = 3,618L

LOADING

EXISTING SOIL:
T-TIME > 50

TYPE A DISPERSAL BED:
FLOW RATE <3000L/DAY
THEREFORE RATE IS 75L/m²
STONE AREA = Q/75 $\frac{1600}{75}$ = 21.5m²
SAND AREA = QXT/400 $\frac{1600 \times 50}{400}$ =200m²

REVISIONS

No.	Description	Date
1	ISSUED FOR REVIEW	APR 20, 2020

BENCHMARK:

No.	DESCRIPTION	ELEVATION
##.	XXX	XXX.XX

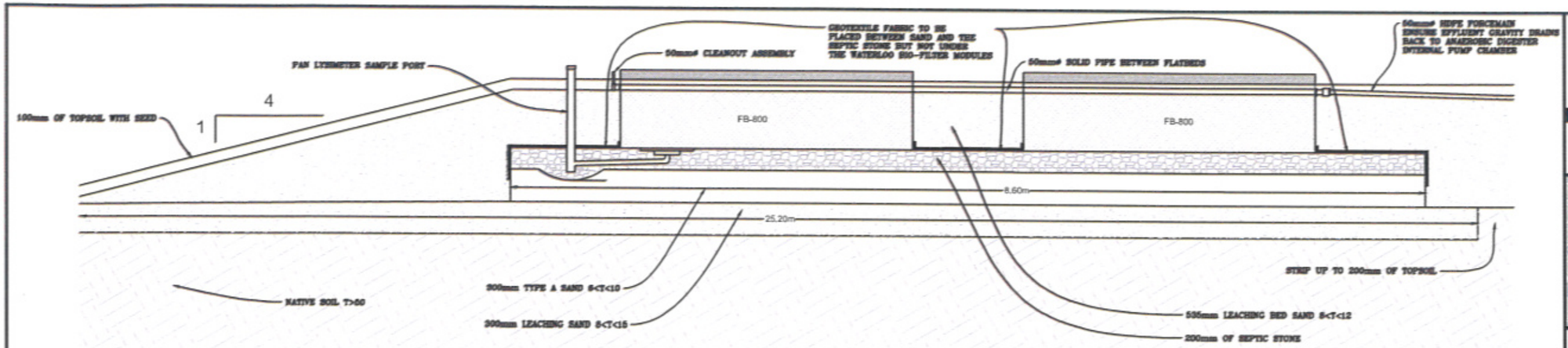
M. H. BUNGER
PROVINCE OF ONTARIO

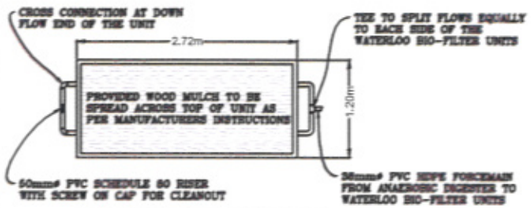
Client, Land Owner:
BUMSTEAD

Project:
10 BARRETT LANE
SOUTH FRONTENAC ONTARIO

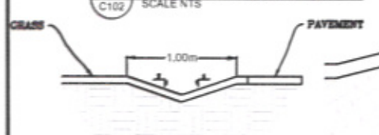
Drawing Title:
TYPE A BED

Drawn by: JH	Project Number: GW-20002-5
Checked By: MB	
Page Size: 24"x36"	Drawing Number: C-101
Scale: 1:150	SHEET 1 of 2
Date: APRIL 20, 2020	

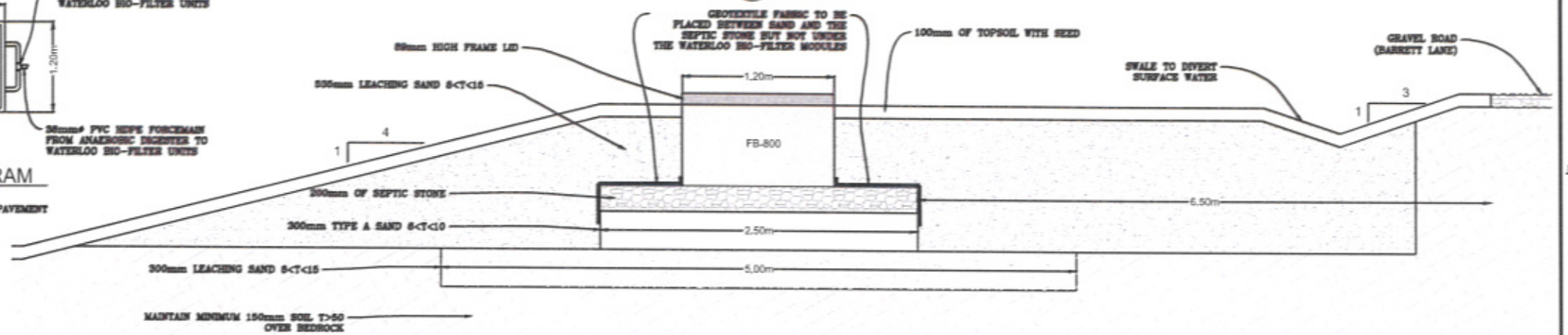




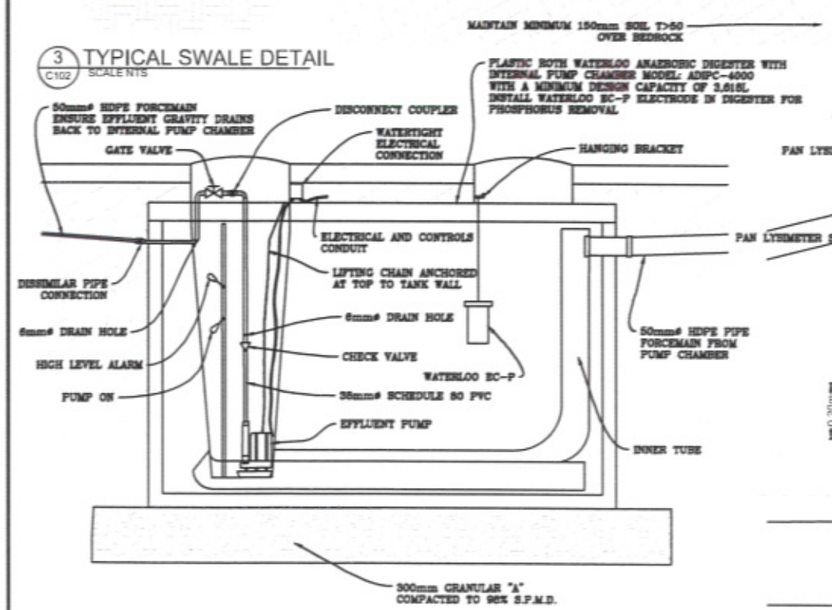
2 UNIT PIPE DIAGRAM
C102 SCALE N.T.S



1 PROFILE VIEW
C102 SCALE N.T.S

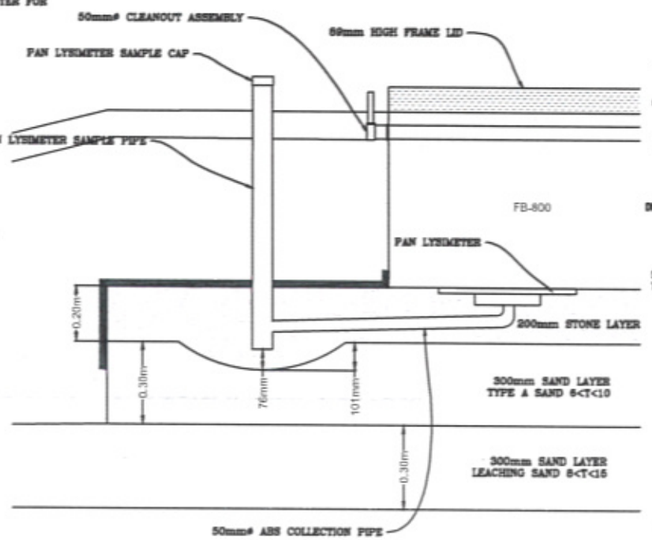


3 TYPICAL SWALE DETAIL
C102 SCALE N.T.S

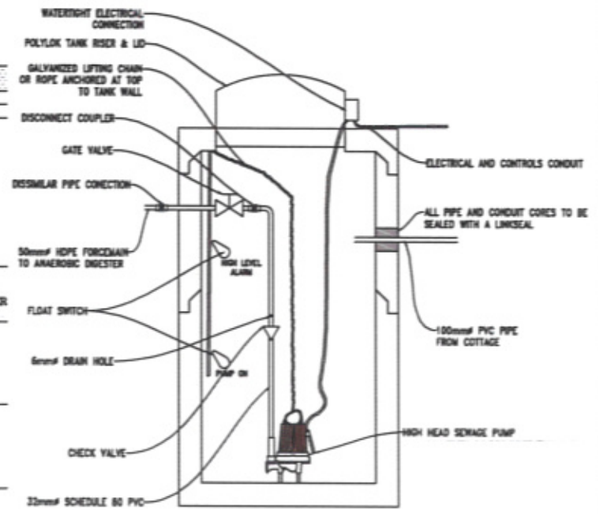


5 ANAEROBIC DIGESTER DETAIL
C102 SCALE N.T.S

4 PROFILE VIEW
C102 SCALE N.T.S



6 PAN LYSIMETER DIAGRAM
C102 SCALE N.T.S



7 PUMP CHAMBER DETAIL
C102 SCALE N.T.S

Groundwork Engineering Limited
GEOTECHNICAL • CIVIL • STORMWATER • ONSITE WASTEWATER
UNIT 640 - 654 NORRIS COURT
KINGSTON, ONTARIO
OFFICE (613) 634-1789



ELECTRICAL / MECHANICAL :

1. NEW SIMPLEX DEMAND DOSE CONTROLLER WITH AUDIBLE AND VISUAL ALARM TO BE INSTALLED IN THE MECHANICAL ROOM OF THE HOUSE.
2. NEW CONTROLLER TO BE WIRED TO PUMP AND FLOATS IN NEW PUMP CHAMBER WITH EYS FITTINGS TO PREVENT THE GASES FROM RETURNING TO THE BUILDING.
3. NEW 25mmØ PVC CONDUITS FROM PUMPS TO THE CONTROL PANEL INSIDE THE HOUSE FOR ELECTRICAL SERVICE TO PUMPS. NEW 25mmØ PVC CONDUITS FROM PUMPS TO CONTROL PANEL FOR FLOAT CONTROL CABLES.
4. CONTROL PANEL TO BE SJE-RHOMBUS EZ521WG143A6A8AC10E15A OR EQUIVALENT.
5. ALL ELECTRICAL WORK MUST BE COMPLETED IN ACCORDANCE WITH ELECTRICAL CODE AND BE PERFORMED BY A LICENSED ELECTRICIAN IN GOOD STANDING WITH THE ESA.

SEPTIC:

6. STRIP ALL EXISTING TOPSOIL IN THE AREA OF THE TYPE A SEPTIC BED. MAINTAIN MINIMUM 150mm SOIL T>50 OVER BEDROCK. REMOVE EXISTING SEPTIC TANK AND BED PIPING AND DISPOSE OFF SITE AT APPROPRIATE DISPOSAL LOCATION
7. TREES TO BE REMOVED WITHIN CONTACT AREA.
8. INSTALL NEW ADIPC-4500 ANAEROBIC DIGESTER AS PER MANUFACTURES SPECIFICATIONS AND INSTRUCTIONS.
9. PLASTIC ROTH WATERLOO ANAEROBIC DIGESTER WITH INTERNAL PUMP CHAMBER MODEL: ADIPC-4000 WITH A MINIMUM DESIGN CAPACITY OF 3.61BL. INSTALL WATERLOO EC-P ELECTRODE IN DIGESTER FOR PHOSPHORUS REMOVAL.
10. INSTALL NEW PUMP 450L CHAMBER EITHER AS A PRE-FABICATED UNIT OR AS INDIVIDUAL COMPONENTS.
11. HIGH HEAD SEWAGE PUMP TO BE LIBERTY LE-H100-SERIES 1HP, 3450RPM OR EQUIVALENT WITH A TDH OF 10m FOR 450L PUMP CHAMBER.
12. INSTALL TWO WATERLOO BIO-FILTER FLAT BEDS FB-800 AS PER MANUFACTURES SPECIFICATIONS AND INSTRUCTIONS
13. SEPTIC STONE IS TO BE PLACED AND SOURCED IN COMPLIANCE WITH O.B.C. 8.7.7.1.(5); 8.7.3.3(2); AND TABLE 8.7.3.3.
14. TYPE - A DISPERSAL SAND 6<T<10 IS TO BE PLACED AND SOURCED IN COMPLIANCE WITH O.B.C 8.7.7.1. (4)
15. GEOTEXTILE TO BE NON WOVEN NEEDLE PUNCHED POLYPROPYLENE TERRAFIX 270R OR EQUIVALENT

REVISIONS

No.	Description	Date
1	ISSUED FOR REVIEW	APR 20, 2020

BENCHMARK:

No.	DESCRIPTION	ELEVATION
P.F.	XXX	XXX.XX

M. H. BUMSTEAD

Client / Land Owner: BUMSTEAD

Project: 10 BARRETT LANE
SOUTH FRONTENAC ONTARIO

Drawing Title: DETAILS & NOTES

Drawn by: JH
Checked By: MB
Page Size: 24"x36"
Date: APR 20, 2020

Project Number: GW-20002-5
Drawing Number: C-102
SHEET 2 of 2

Existing Bunstead

TOPOGRAPHIC SURVEY of
Part of LOT 1, CONCESSION 12
Geographic Township of Bedford
TOWNSHIP OF SOUTH FRONTENAC
COUNTY of FRONTENAC

SCALE = 1:200

HOPKINS CHITTY LAND SURVEYORS INC.
-2020-

METRIC
Distances Shown on This Plan are in Metres and can be Converted to Feet by Dividing by 0.3048

LEGEND:
SSIB's PLANTED DUE TO INSUFFICIENT OVERBURDEN
denotes Planted Survey Monument
" Found Survey Monument
SSIB " Standard Iron Bar
IB " Iron Bar
IPR " Iron Pipe
CM " Concrete Monument
(MTC) " Witness
(M) " Measured
(P&RC) " Plan & Description 138-3809
(P1) " Expropriation Plan FR87193
(P2) " Expropriation Plan FR87193

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. The SURVEY was completed on the 31st day of January 2020.
HOPKINS CHITTY LAND SURVEYORS INC.
DATE: February 6, 2020
PHIL V. CHITTY - O.L.S.

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME KINETIC (RTK) GPS OBSERVATIONS. THE BEARING OBSERVATION BETWEEN A AND B WAS ROTATED CLOCKWISE BY AN ANGLE OF 0°56'00" FOR USE AS THE BEARING REFERENCE FOR THIS PLAN. ALL BEARINGS, COMPARISONS, AND ROTATION OF 0°56'00" CLOCKWISE WAS APPLIED TO BEARINGS GW (PT).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999943

ELEVATION NOTE:
ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE HTS.0 GEOID MODEL BEING A PRODUCT OF THE GEODETIC SURVEY DIVISION (GSD) OF NATURAL RESOURCES CANADA. DERIVED FROM PPP GPS OBSERVATIONS. THE ELEVATIONS ARE REFERRED TO A SITE BENCHMARK BEING THE TOP OF IRON (SSIB) AT THE SOUTHWEST CORNER OF PART 8, (P2) HAVING AN ELEVATION OF 144.46 (CGVD28)

HCLS
HOPKINS CHITTY LAND SURVEYORS INC.
Ontario Land Surveyors
www.hopkinschitty.com
634-636 KINGS COURT
KINGSTON, ONTARIO K7P-2R9
Tel (613) 384-3313
Fax (613) 384-3313

PROJECT No. 8800-087
PART LOT 1, CONCESSION 12
TOWNSHIP OF BEDFORD

Party Chief MB | Instrument AP | Checked By PMC | Plan No 80

Proposed Bunkhead

Burnstead

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 21st. DAY OF OCTOBER 1988.

16 Nov. 1988 William H. Card

WILLIAM H. CARD
ONTARIO LAND SURVEYOR

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY
OF
PART OF LOT 1 CONCESSION XII
TOWNSHIP OF BEDFORD
COUNTY OF FRONTENAC

SCALE 1" = 100'

SMITH & SMITH KINGSTON LTD.
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO.

1988

PLAN 13R-8446

RECEIVED AND DEPOSITED
Nov 16, 1988
DATE

Dorothy Shuttle
LAND REGISTRAR FOR THE REGISTRY DIVISION OF FRONTENAC No. 13

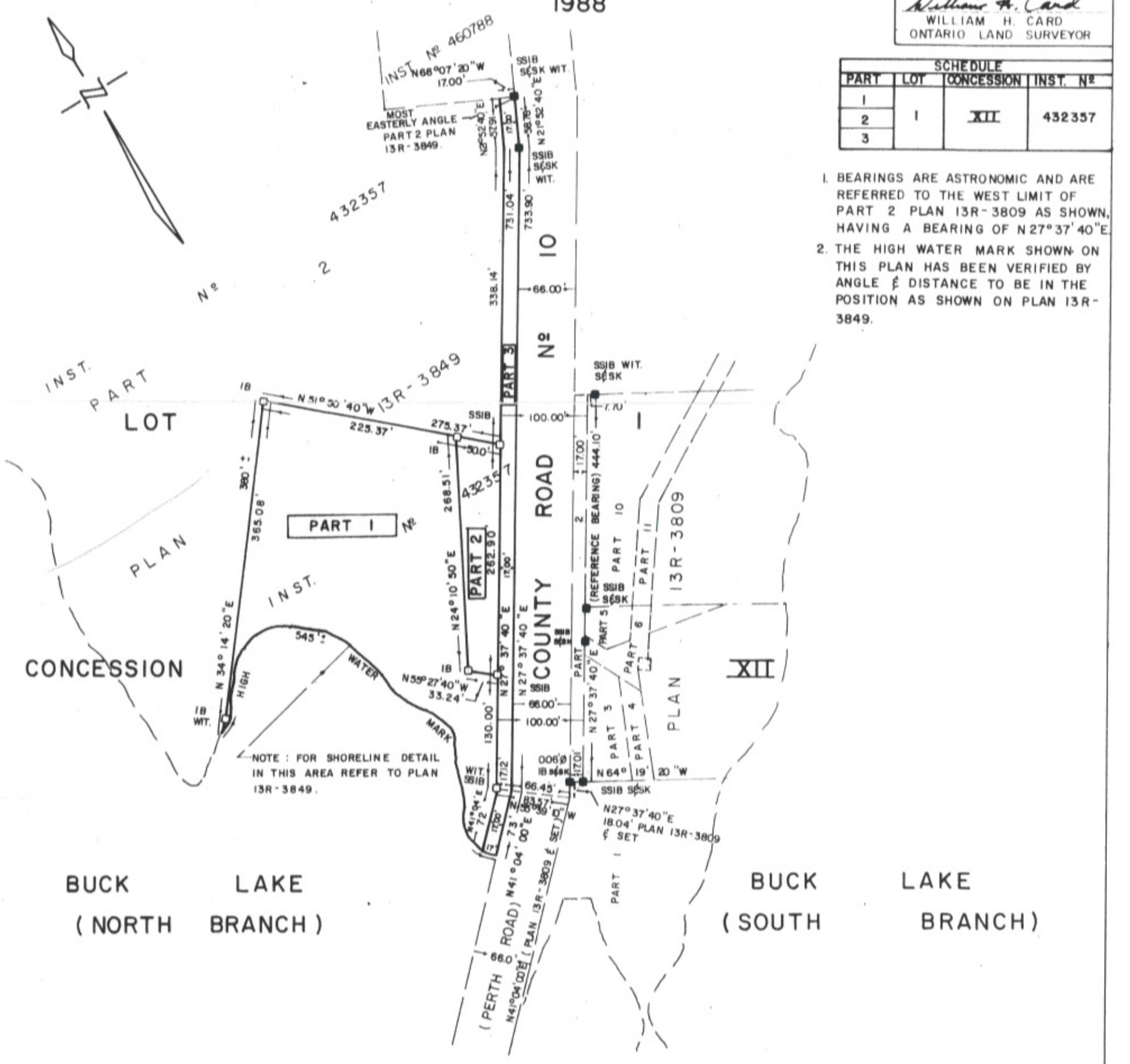
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

16 Nov. 1988
DATE

William H. Card
WILLIAM H. CARD
ONTARIO LAND SURVEYOR

SCHEDULE			
PART	LOT	CONCESSION	INST. No.
1			
2	1	XII	432357
3			

1. BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT OF PART 2 PLAN 13R-3809 AS SHOWN, HAVING A BEARING OF N 27° 37' 40" E.
2. THE HIGH WATER MARK SHOWN ON THIS PLAN HAS BEEN VERIFIED BY ANGLE & DISTANCE TO BE IN THE POSITION AS SHOWN ON PLAN 13R-3849.



Copyright © 2004 Land Survey Records Inc. All rights reserved. Document provided through www.landsurveyrecords.com

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 21st. DAY OF OCTOBER 1988.

16 Nov. 1988 William H. Card

WILLIAM H. CARD
ONTARIO LAND SURVEYOR

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY
OF
PART OF LOT 1 CONCESSION XII
TOWNSHIP OF BEDFORD
COUNTY OF FRONTENAC

SCALE 1" = 100'

SMITH & SMITH KINGSTON LTD.
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO.

1988

PLAN 13R-8446

RECEIVED AND DEPOSITED
Nov 16, 1988
DATE

Dorothy Shuttle
LAND REGISTRAR FOR THE REGISTRY DIVISION OF FRONTENAC No. 13

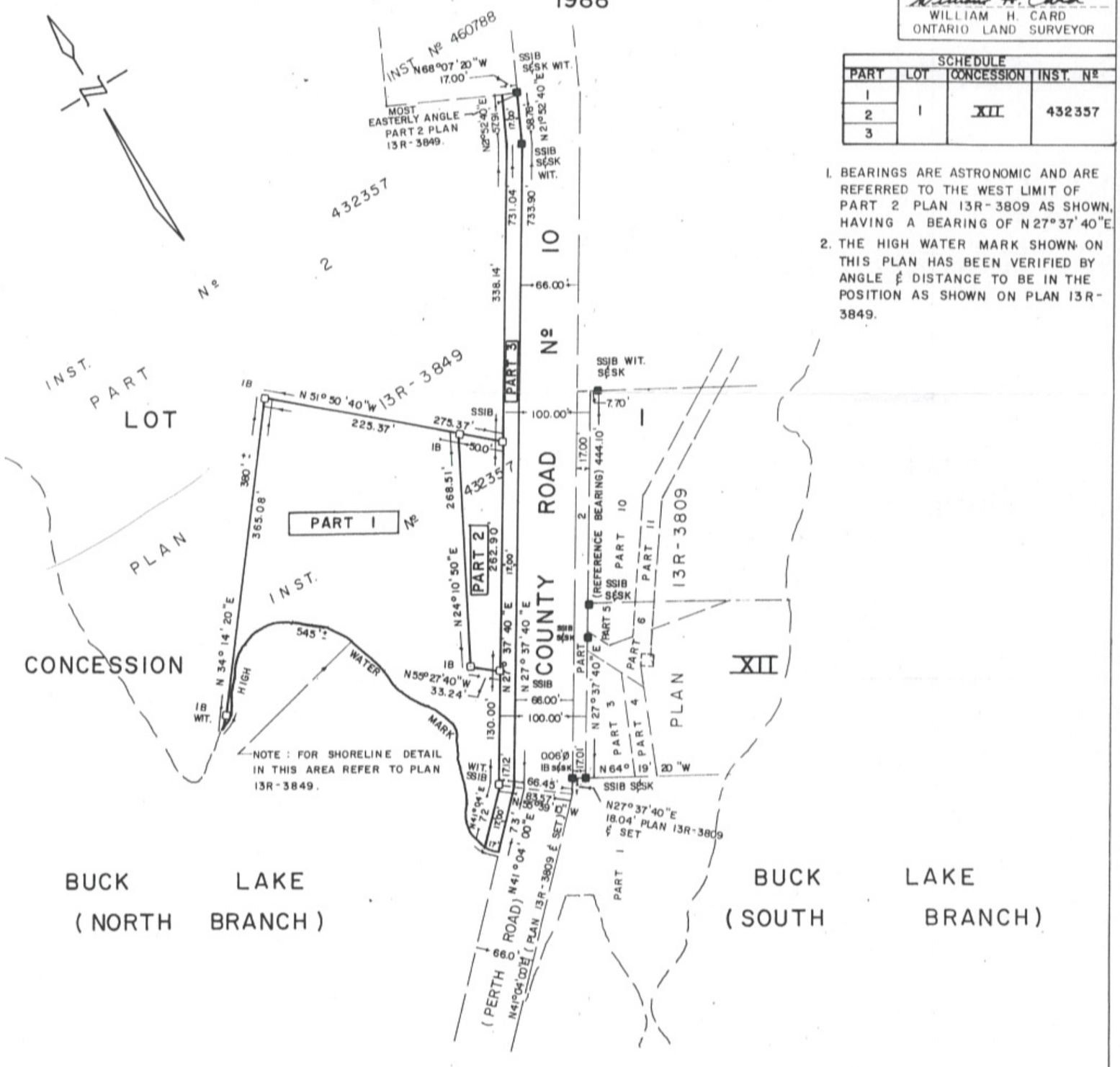
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

16 Nov. 1988
DATE

William H. Card
WILLIAM H. CARD
ONTARIO LAND SURVEYOR

SCHEDULE			
PART	LOT	CONCESSION	INST. No.
1			
2	1	XII	432357
3			

1. BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT OF PART 2 PLAN 13R-3809 AS SHOWN, HAVING A BEARING OF N 27° 37' 40" E.
2. THE HIGH WATER MARK SHOWN ON THIS PLAN HAS BEEN VERIFIED BY ANGLE & DISTANCE TO BE IN THE POSITION AS SHOWN ON PLAN 13R-3849.



NOTE: FOR SHORELINE DETAIL IN THIS AREA REFER TO PLAN 13R-3849.

Copyright © 2004 Land Survey Records Inc. All rights reserved. Document provided through www.landsurveyrecords.com

Ontario Lake Assessments
& Environmental Education Services

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

12 March 2020

Roxanne Darling, Office Manager
Evergreen Concepts
2073 Drummond Con 5-B
PERTH, Ontario
K7H 3C8

REGARDS: EIA for M.V. Application for Redevelopment of Property at 10 Barrett Lane (Mary and Jeff Bumstead), Concession 12, Part Lot 1, Bedford District, South Frontenac Township, Buck Lake (South Basin)

Dear Roxanne Darling:

I conducted a site visit at the above location on October 1st, 2019 accompanied by Pat Shank (Evergreen Concepts). The site visit was conducted to examine the potential for and limitations to redeveloping this existing lot of record with a view to minimize or improve upon environmental impacts.

This property is located on the west shoreline of Buck Lake (South Basin), close to the inlet from the north basin; the lake is designated 'at capacity' by the Ministry of Environment Conservation and Parks (MOECP) and as such protective measures are included in the South Frontenac Township 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 Buck Lake and in addition the habitats of species at risk (SAR). The SAR locally are Blanding's turtles, map turtles and the habitats for gray rat snakes. The protective measures in the OP and Zoning By-Law 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, lawns and hardened surfaces like rooftops, patios, decks and driveways. Hardened surfaces act to increase runoff and create downgradient erosion. The removal of trees and understory within the 30m setback (30m buffer) is a contributing factor; the trees act to intercept and sequester nutrient plumes and also stabilize near-shore slopes to prevent erosion and nutrient migration to the lake.

Nutrients that reach the lake result in the growth of more algae (phytoplankton), which under severe conditions can impact lake trout habitat by way of oxygen loss during the warm summer period. By way of in-situ water quality monitoring and lake modelling, Buck Lake has been determined to be highly sensitive to oxygen loss as a result and that results in the 'at capacity' designation.

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 applications, 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**. 2

Site Observations:

There are several constraint factors regarding redevelopment on this lot; the lot size is small (0.5427 ha: 1.341 ac) and the topography is challenging. In addition to the small lot size, it has designated parking for many off-shore property owners that prevents approximately 1/3rd of the lot from being available for development purposes. Between the designated parking area and the lake shore, Barrett Lane bisects the property to provide access to properties to the north. A hydro right-of-way also bisects the property following Barrett Lane on the east side. Within the 30m setback from the lake shore topography poses some development challenges.

An existing small seasonal dwelling with attached deck on the east and south side is located immediately on the shoreline; the cottage is surrounded with mature oak and maple trees; the shoreline has some natural tree cover at the water's edge. A small storage shed is located immediately behind the cottage.

An existing septic system of unknown condition lays next to the entrance laneway and behind the cottage in an area with granite out crop showing at the surface close by. This septic location is undefined but lays approximately 15m (50') from the water. The topography rises sharply west of and immediately adjacent to the septic location and shows granite outcrop at the surface. Above this rise there is a small narrow 'plateau' area next to and beneath the hydro right-of-way that has some deeper soils and has natural tree cover and understory. This area approximates a 30m setback distance and is the only suitable area to locate a septic system.

The Proposal:

The proposal is to demolish the old cottage and construct a four season 2-storey residence on the original footprint. The new residence will have the same number of bedrooms as the original; it will just have more living space on the main level. In addition the small storage shed will be removed.

The proposal includes a Waterloo Biofilter Tertiary treatment septic system set back on the plateau area as far as can be achieved from the lake.

Potential Impacts:

This proposal does not include any in-water or near-shore reconstruction or stabilization works; it does not include filling, excavating or drainage works near the water and therefore physical impacts on fish habitat is not expected. There are no impacts to species at risk (SAR) as a result of this proposal.

The Natural Heritage feature of most concern is of course the water quality of Buck Lake. Since the reconstruction on the existing footprint will result in only a minor increase in hardened surfaces and since the number of bedrooms has not increased and therefore capita-years of occupancy should not increase, **the net result should be a zero increase in potential nutrient loading to the lake.**

Because the proposal results in an upgrade in the septic system to a Waterloo Biofilter Tertiary Treatment System and locates that system at twice the setback of the original system the opportunity for sequestering nutrients on site is greatly increased; **this must be viewed as an environmental improvement over existing conditions.**

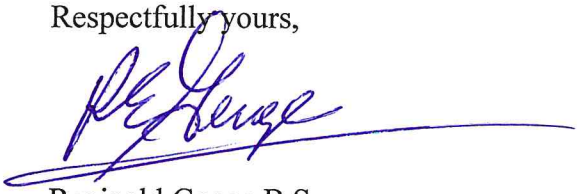
....3

Recommendations:

- The potential for erosion from increased energy associated with runoff from downspouts can be mitigated by directing downspouts into French Drains or onto coarse rock rubble splash pads.
- Appropriate construction methods to prevent erosion of soils and materials away from the building envelope during construction period must be in place.
- All excavation materials excess to the needs of the building construction and construction of the septic system must be removed from the site and not used as fill within 30 metres of the lake.
- The natural tree cover and understory in the areas of the building envelopes for the residence and septic must be maintained in a natural state with the exception of dead and dangerous trees; the only grassed over area should be over the septic bed.
- The old septic tank must be pumped and properly decommissioned.
- Consideration should be given to plant trees over the site of the old septic bed as a further effort to intercept any potential nutrient plume; this area is down gradient from the proposed location of the bed.

If you have any questions in the above regard, please feel free to give me a call.

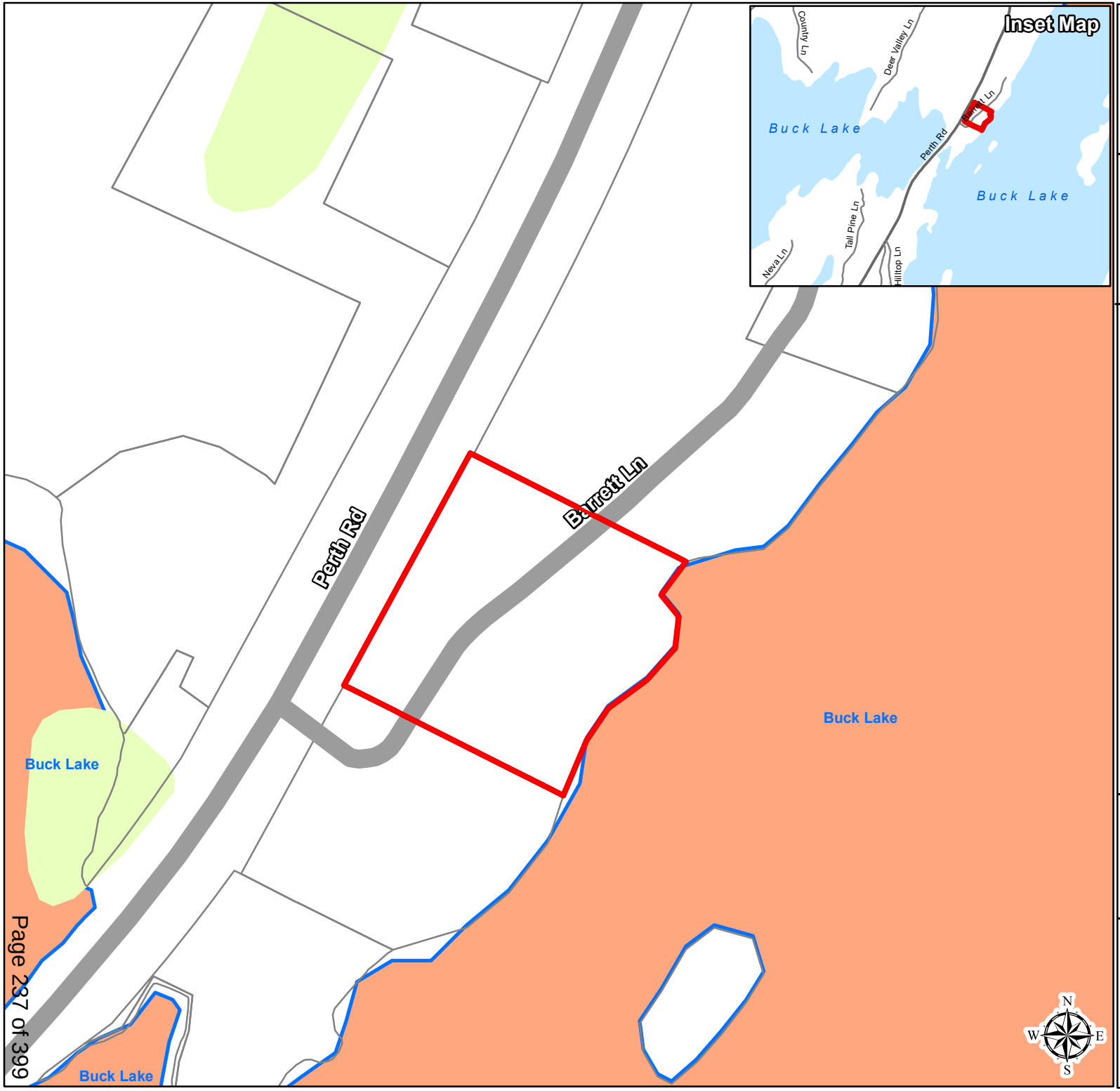
Respectfully yours,



Reginald Genge B.Sc.
Ontario Lake Assessments
3654 Stage Coach Road
RR #3
HARROWSMITH, Ontario
K0H 1V0
rgenge@xplornet.ca
613-305-3863

Claire Dodds, Director Development Services / Michelle Hannah, Planning Assistant
Township of South Frontenac
4432 George Street, Box 100
SYDENHEM, Ontario
K0H 2T0

Mary and Jeff Bumstead
4044 Stone Point Road
INVERARY, Ontario
K0H 1X0



MV-08-20-B
(Bumstead)

10 BARRETT LANE

Legend

- Bumstead 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 1:1,500

0 5 10 20 30 40

Meters

UTM Projection NAD 83

June 26, 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: Mary & Jeff Bumstead
Minor Variance MV-08-20B
Part Lot 1, Concession 12, Bedford
10 Barrett Lane
Township of South Frontenac

KFL&A Public Health will have to defer the above-noted minor variance as we require more information from the homeowner.

Thank you.

Yours truly,

Joanne McGurn, C.P.H.I.(C)
Public Health Inspector

JMcG:ca

cc: Mary & Jeff Bumstead
RoxAnne Darling (Evergreen Concepts)

July 7 2020

Dear staff and committee members.

I'm including this note with Mary and Jeff Bumstead's amended minor variance application as a bit of background. Mary and Jeff purchased the property at 10 Barrett lane in 2013, with the intention of enjoying it as a seasonal cottage for a couple of years and then converting the property to their permanent dwelling. Currently the cottage is located 0.9 m from the water.

Timeline of application:

Fall 2018: Mary and Jeff met with Township planner **Lindsay Mills** and were told they would require a small minor variance from the road, to meet the 30 m water setback but it would be a simple process.

Feb of 2019: Mary and Jeff contracted with Evergreen Concepts to design their new home. 1500 sq ft with walkout and garage.

Sept 2019: Acting as their agent I met Township planner **Trudy Gravel** in hopes of submitting the minor variance application. I was informed that there was a range of issues with our proposal and was directed to confer with an environmental consultant and provide an EIA. We did all of that.

It was suggested in the report that the consultant would only support redevelopment on the same dwelling footprint and replacement of the septic in the same location to minimize disturbance. Although disappointed but accepting of that scenario, Mary and Jeff redesigned their proposed house as per the Township planner suggestions.

Jan 2020: I met with township planner and was assured we were on the correct path. We moved forward with an engineered septic design, survey and site plan. I prepared and submitted a minor variance

application on behalf of my client March 12, 2020. The application was scheduled to be heard on the April 9th agenda. Then Covid.

During the review of the application by yet another new acting planner, **Tess Gilchrist** I was asked why we did not move the dwelling back on the property. I explained it was not an option given to us. My clients very much wish to move the new dwelling back from the water and install a new tertiary septic system.

April 2020: we received input from the Conservation authority in favor of the dwelling being move back from the water. Please see attached.

May 2020: I submitted an amended application, in hopes of being on the June agenda.

We are asking for relief from the 30 m water set back due to the topography of the property and to leave room to install a new tertiary septic system at the 30 m set back.

Mary and Jeff had wished to build in the fall of 2019 then the spring of 2020 and now due to Covid they are looking at further delays. We hope the committee can empathize and find a logical way to allow approval of this application tonight.

I understand that the Health unit is requesting a deferral due to requirement of more information. I spoke with Joanne McGurn and they are understandably swamped and just have not had time to review or conduct a site visit. She has also requested a complete septic permit application, although this request is unusual and not required with a submission of a minor variance application. We have honored her request and she has made arrangements with the engineer to conduct a site visit next Tuesday. It is also my understanding that the CRCA was prepared to submit their comments but was pasted the cut off date to be included in the planner's report. I absolutely understand

the extreme work load all departments are facing and are doing their best to process applications in a timely manner. This proposal has been reviewed by 3 different Township planners and changes have been made each time to correlate with each planners' requests. I do believe all the pieces of this application can come together without further complications and for that reason, with respect, we sincerely request approval of the proposed minor variance application, conditional on receiving an approved septic permit.

Thank you for your dedication and time. I will do my best to answer any question the committee members may have. 😊

RoxAnne Darling, on behalf of Mary and Jeff Bumstead.

Andrew Schmidt <aschmidt@crca.ca> Wed, Apr 29, 10:18 AM
to Claire, Planner, Jon, Jeff, me

Hello Jeff.

I did attend your property at 10 Barrett Lane on Friday, April 24th to inspect the current development on the site and to consider potential for re-development. Please note that a significant portion of the property lies within an area that is subject to CRCA's development regulation (Ontario Regulation 14/06). Therefore, a CRCA permit is required for re-development of the property after the variance process is complete. The regulation deals primarily with ensuring that development is not subject to natural hazards (e.g. flooding and erosion). I will also be speaking from a planning perspective in my comments below in consideration of water quality of the lake.

1. Based upon my site inspection, it was observed that a portion of the existing development lies within the erosion hazard of Buck Lake. More specifically, the entire deck on the water side of the cottage is within the hazard. However, the main part of the cottage is not. Strictly from a regulatory perspective, staff would be unable to issue a permit for the reconstruction of the deck. Having said that, re-construction of the main portion of the cottage can be permitted under the regulation since it is not within the hazard.
2. From a planning perspective, CRCA is always interested in trying to obtain a net improvement in any effects that development may have on water quality, particularly when we are dealing with a highly sensitive Lake Trout lake such as Buck Lake. In the opinion of staff, moving the structure back, perhaps to the area that is already cleared in the area of the existing septic system, is the preferred alternative to rebuilding on the same site. This will allow for a vegetated buffer between development and the lake which will assist with filtration of nutrients and pollutants. Although the movement of the development from the existing site to a new site will cause short-term disruption, the longer term benefits of doing so are much greater. In addition, short-term impacts can be mitigated until the existing site is re-vegetated to enhance the buffer to the lake. This is typically done through site plan control.

I understand from my discussions with RoxAnne that you are open to the idea of moving the structure back from the water which is excellent. I look forward to working with you through the process as it moves along.

Please contact me if you have any questions.

RoxAnne Darling <evergreenrox@gmail.com> Wed, Apr 29, 10:54 AM
to Tom, Andrew, Jeff, Claire, Planner

Good morning Andrew, and thank you for your comments.. As mentioned during our phone conversation, Mary and Jeff are open to moving the new structure farther back from the water. We do have a concern about the location as noted where the existing septic system is located. We will have to decommission the existing system and bring in clean fill for the area, which will mean it will be disturbed soil. I have include Tom in on this email also for his opinion on this matter. I would like to suggest that if moving the new home back is acceptable than we move it strait back to undisturbed soil where the shed is currently sitting and my clients be allowed to develop the area with a full basement. Re-vegetation of the existing septic and cottage area will be done. I hope can enjoy the Sunshine today

Thank you
RoxAnne Darling
Office Manager.
EverGreen Concepts
Phone 613 267 6721 Cell. 613 402 6721.
Fax 613 267 6475

Andrew Schmidt <aschmidt@crca.ca> Wed, Apr 29, 2:54 PM

to me, Tom, Jeff, Claire, Planner

Yes, RoxAnne. Moving it straight back could work too. A walkout basement would be a good choice on the hillside which I would have no issue with.

PLANNING REPORT – MINOR VARIANCE APPLICATION

Report Date:	July 2, 2020
Application No:	MV-09-20-L
Owner:	Bill O'Leary
Location of Property:	Part Lot 16, Concession 3, being Part 1 on Plan 13R3284, , District of Loughborough, Township of South Frontenac, municipally known as 3865 Corkey Road.
Purpose of Application:	To vary 5.8.2a, 5.10.2 and 10.3.1 of the Township of South Frontenac Zoning By-law
Date of Hearing:	July 9, 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-09-20-L to provide additional time for the applicants to revise their proposal to address concerns expressed by Township staff and Cataraqui Conservation regarding the construction of a deck closer to the high water mark of 30 metres than the existing structure.

Proposal

An application for minor variance has been received to reduce the required setback from the highwater mark from 30 metres (98.4 feet) as required by section 5.8.2a and 10.3.1 of the Township of South Frontenac Zoning By-law to 9.14 metres (30 feet) to permit the construction of a deck. The applicants are also seeking a minor variance to permit an addition on the second story of the existing dwelling, increasing the height of a legal non-complying structure and increasing lot coverage from 7% to 8%.

The subject property is located near the end of Corkey Road, is municipally known as 3865 Corkey Road and is approximately 0.4 acres (0.16 hectares) in area. The property contains an existing 121 metres^2 (1303 feet^2) single detached dwelling with a deck to the east side of the dwelling. The property has a setback of 11.58 metres (38 feet) from the high water mark of Loughborough Lake. The property also contains an existing 53.5 metres^2 (576 feet^2) garage located approximately 36.6 metres (119 feet) from the high water mark. The subject property is quite constrained and there is limited opportunity for all development to meet the 30 metre setback required by the Official Plan.

As a result of the proposed development, relief is also required to increase maximum permitted lot coverage for the primary dwelling. Of importance to note is that the addition to the dwelling is not getting closer to the highwater mark and is only increasing the living space. The dwelling currently has a screened in porch facing the lake which will be completely enclosing and converting to living space. The applicants are proposing an addition of a second storey to their existing principal dwelling on the west side of the property.

Comments received from Ministry of the Environment, Conservation and Park, as well as Cataraqui Conservation recommend denial based upon their consideration for natural hazards and water quality protection policies, the "at capacity" status of the West Basin of Loughborough Lake, and the nature of its sensitivity to ongoing nutrient loading and encroachment pressures resulting in cumulative impacts to the water quality of the lake. Cataraqui Conservation staff have provided further clarification that they have no objections to the second storey addition and converting an existing covered porch into living space. Cataraqui Conservation does not support the application due to the deck encroachment further into the water setback

Township staff share similar concerns to Cataraqui Conservation staff with the proposal projecting a deck closer to the highwater mark of the west basin of Loughborough Lake. Township staff have no objections to the conversion of the covered porch into living space within the existing footprint of the dwelling.

It is recommended that this application be deferred in order to allow the applicant to have some time to revisit the proposal and make modifications to address the concerns raised on this application.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Submitted by: Anna Geladi, Planner, Township of South Frontenac

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

Date of Site Visit: June 25, 2020

Attachments: Map of the O'Leary 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): BILL O'LEARY

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: RICKY CRUZ

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 (FORMERLY)

Concession Number: CON 3 Lot Number: LOT 16

Street Number: 3865 Name of Road/Street: CORKEY ROAD

Reference Plan Number: 13R-3284 Part Number(s): PART 1

Roll Number: 1029-060-020-08700 ~~0~~

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

Frontage (on water): 121' (36.9m) Frontage (on road/lane): 179' (54.6m)

Depth: 97' (29.6m) Area: 18,547ft² (1723m²)

5. The current zoning of the subject land:

ZONE (RW) WATERFRONT RESIDENTIAL ZONE

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

CONSENT TO ENCROACH EXISTING REAR YARD SET BACK + HIGH WATER MARK SET BACK

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

PROPOSED NEW EXTERIOR DECK ENCROACHES REAR YARD SETBACK BY 3'0" (0.914m)

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

Name of Road/Lane:

CORKEY ROAD

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

N/A.

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

RESIDENTIAL

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) RESIDENCE	(2)	(3)	(4)
Setback from Front Lot Line	EXISTING 103' (31.39m)			
Setback from Rear Lot Line	EXISTING 38' (11.58m)			
Setback from Side Lot Line	EXISTING 17' (5.18m)			
Height of Building (Also indicate if it is one story or two story)	EXISTING TWO STORY (27'-11") (8.49)			
Dimensions of Floor Area	EXISTING 1303 ft² (121.05m²)			
Setback from High Water Mark (If applicable)	EXISTING 38' (11.58m)			

13. The proposed uses of the subject land:

RESIDENTIAL (EXISTING)

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) PROPOSED EXTERIOR DECK.	(2)	(3)	(4)
Setback from Front Lot Line	PROPOSED 134'-9" (41.07m)			
Setback from Rear Lot Line	PROPOSED 30'-0" (9.14m)			
Setback from Side Lot Line	PROPOSED 31'-7" (9.62m)			
Height of Building (Also indicate if it is one story or two story)	PROPOSED 8'10" (2.69m)			
Outside Dimensions of Building/Structure	PROPOSED DECK. 23'-0" X 8'-0" (184ft²) ≈ (17m²)			
Setback from High Water Mark (If applicable)	PROPOSED 30'-0" (9.14m)			

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:

MINOR REMOVAL/ALTERATION TO EXTERIOR WALL.

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:
November 2018

20. The date the existing buildings and structures were constructed on the subject lands:
1950's (House)

21. The length of time that the existing uses of the subject land have continued:
1950'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:
Individual Well

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

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

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.

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:

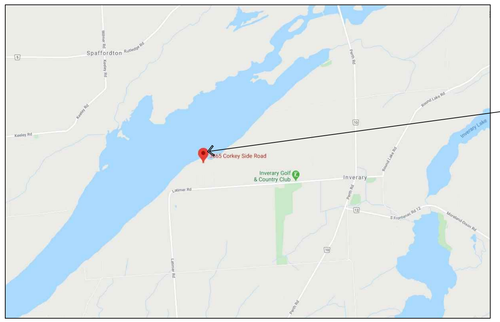
[redacted]

MNOR RENOVATION

NEW EXTERIOR DECK
(MINOR VARIANCE)

3865 CORKEY ROAD, INVERARY, ONTARIO.

OWNER/CLIENT:
MR. BILL O'LEARY & MS. LEAH TORRES
3865 Corkey Lane
Inverary, Ontario, KOH 1X0
Tel: 613-929-3779
Email: bill@havenhomeclimatecare.ca



AREA OF WORK

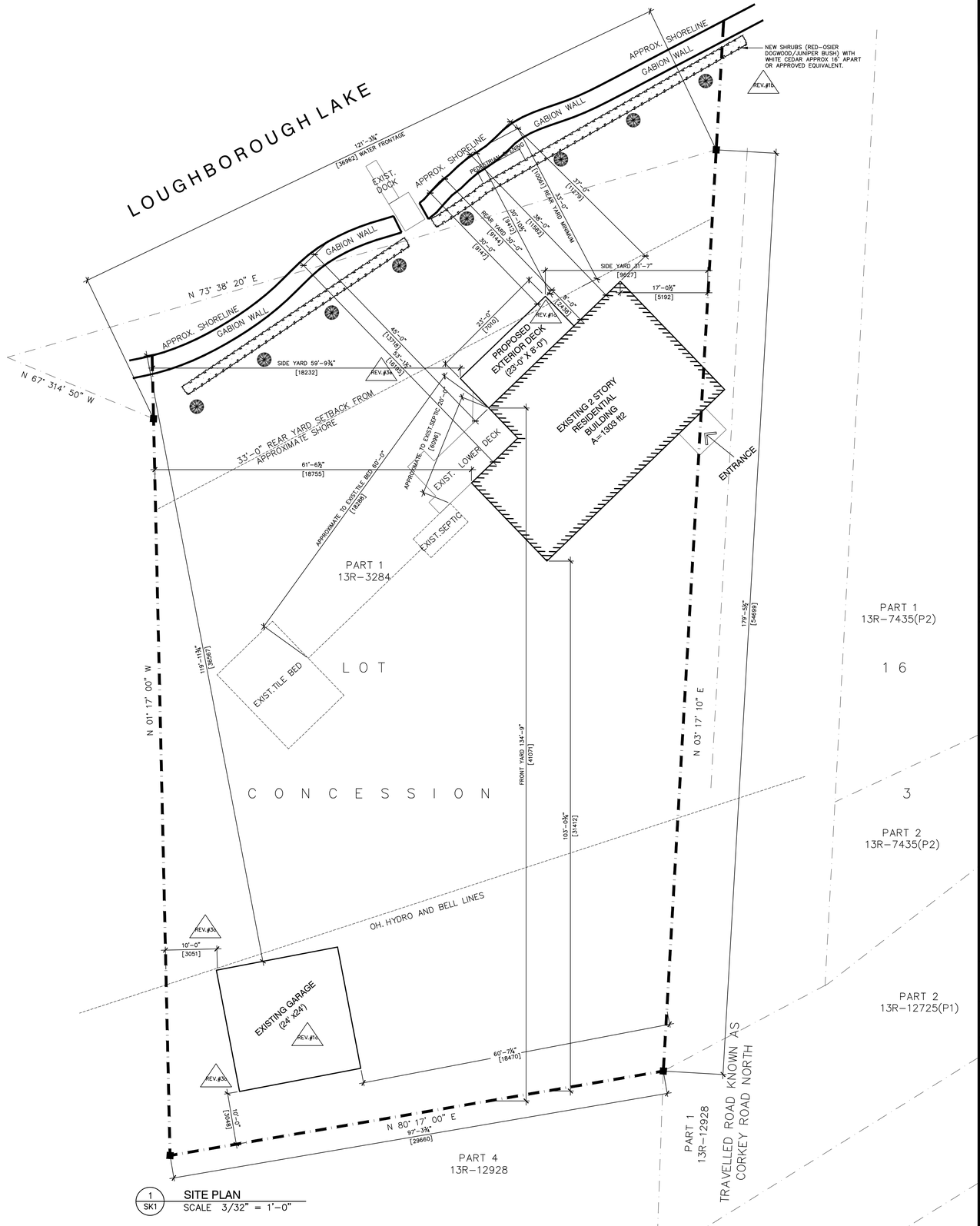
1 / SK0 KEY MAP
SCALE 3/32" = 1'-0"

ZONING PROVISIONS – ZONE (RW)
WATERFRONT RESIDENTIAL ZONE
TOWNSHIP OF SOUTH FRONTENAC ZONING BY-LAW (FOR SINGLE DETACHED OR SEASONAL DWELLING)

ZONING PROVISIONS	REQUIRED	EXISTING RESIDENCE	PROPOSED EXTERIOR DECK
LOT AREA (MINIMUM)	10,000m² (107,642ft²)	EXISTING	N/A
ROAD FRONTAGE (MINIMUM)	76m MIN (250ft)	EXISTING	N/A
WATER FRONTAGE (MINIMUM)	91m MIN (300ft)	EXISTING	EXISTING
FRONT YARD (MINIMUM)	20m MIN (65.6ft)	EXISTING 103' (31.39m)	134'-9" (41.07m)
REAR YARD (MINIMUM)	10m MIN (33ft)	EXISTING 38'-0" (11.58m)	PROPOSED 9.14m (30'-0"ft) ENCROACHES REAR YARD SETBACK/HIGH WATER MARK 0.914m (3'-0") * (MINOR VARIANCE APPLICATION)
INTERIOR SIDE YARD (MINIMUM)	3m MIN (9.8ft)	EXISTING 17'-0" (5.18m)	31'-7" (9.62m)
EXTERIOR SIDE YARD (MINIMUM)	20m MIN (65.6ft)	EXISTING 61'-6" (18.75m)	59'-9" (18.232m2)
LOT COVERAGE (MAXIMUM)	5%	EXISTING	EXISTING
GROSS FLOOR AREA (MINIMUM)	59m² (635.1ft²)	EXISTING 1303 ft2 (121.05m2)	184ft2 (17m2)
BUILDING HEIGHT (MAXIMUM)	11m MAX (36.1ft)	EXISTING 27'-11" (8.49m)	8'-10" (2.69m)
OFF-STREET PARKING CHALL BE PROVIDED IN ACCORDANCE WITH SECTION 5.30.			

ITEM	ONTARIO BUILDING CODE DATA MATRIX			OBC REFERENCE		
				☐ PART 3	■ PART 9	☐ PART 11
1	PROJECT DESCRIPTION: PROPOSED EXTERIOR DECK ☐ CHANGE OF USE		NEW ☐ ADDITION ■ ALTERATION ■			
2	MAJOR OCCUPANCY(S)	GROUP 'C'	N/A			
3	BUILDING AREA (m2)	EXISTING	184ft2 (17m2)			
4	GROSS AREA (m2)	EXISTING	N/A			
5	NUMBER OF STOREYS	2 STOREYS	N/A			
6	HEIGHT OF BUILDING (m)	EXISTING	8'-10" (2.69m)			
7	NUMBER OF STREETS/ ACCESS ROUTES	FACING 1 STREET	N/A			
8	BUILDING CLASSIFICATION	GROUP C	EXTERIOR DECK			
9	SPRINKLER SYSTEM PROPOSED	☐ ENTIRE BUILDING ☐ OFFICE PORTION ONLY ☐ IN LIEU OF ROOF RATING ☐ NOT REQUIRED				
10	STANDPIPE REQUIRED	☐ YES ☐ NO				
11	FIRE ALARM REQUIRED	☐ YES ☐ NO				
12	WATER SERVICE/SUPPLY IS ADEQUATE	■ YES ☐ NO				
13	HIGH BUILDING	☐ YES ■ NO				
14	CONSTRUCTION ☐ COMBUSTIBLE	☐ NON COMBUSTIBLE				
15	MEZZANINE(S) AREA (m2)	N/A				
16	TOTAL OCCUPANCY LOAD: BASED ON ☐ m2 / PERSON	___ PEOPLE ■ DESIGN OF BUILDING				
17	BARRIER FREE DESIGN	☐ YES ☐ NO (EXPLAIN)				
18	HAZARDOUS SUBSTANCES	☐ YES ■ NO				
19	REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS)	LISTED DESIGN NO. OR DESCRIPTION (SG-2)			
		FLOORS N/A	N/A			
		ROOF N/A	N/A			
		MEZZANINE N/A	N/A			
		FRR OF SUPPORTING MEMBERS	LISTED DESIGN NO. OR DESCRIPTION (SG-2)			
		FLOORS N/A	N/A			
		ROOF N/A	N/A			
		MEZZANINE N/A	N/A			
20	SPATIAL SEPARATION – CONSTRUCTION OF EXTERIOR WALLS					

WALL	AREA OF EBF (m2)	L.D. (m)	L/A OR H/L	PERMITTED MAX. % OF OPENINGS	PROPOSED % OF OPENINGS	FRR (HOURS)	LISTED DESIGN OR DESCRIPTION	COMB. CONST.	COMB. CONSTR. NONC. CLADDING	NON-COMB CONSTR.
NORTH										
SOUTH										
EAST										
WEST										



1 / SK1 SITE PLAN
SCALE 3/32" = 1'-0"

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
5	20 MAY 01	REVISED AS PER MV COMMENTS (20.04.03.)	
4	20 APR 28	ISSUED FOR CLIENT REVIEW	
3	20 MAR 07	ISSUED FOR MINOR VARIANCE	
2	20 MAR 05	ISSUED FOR MINOR VARIANCE	
1	20 FEB 21	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X, drawing No. Y

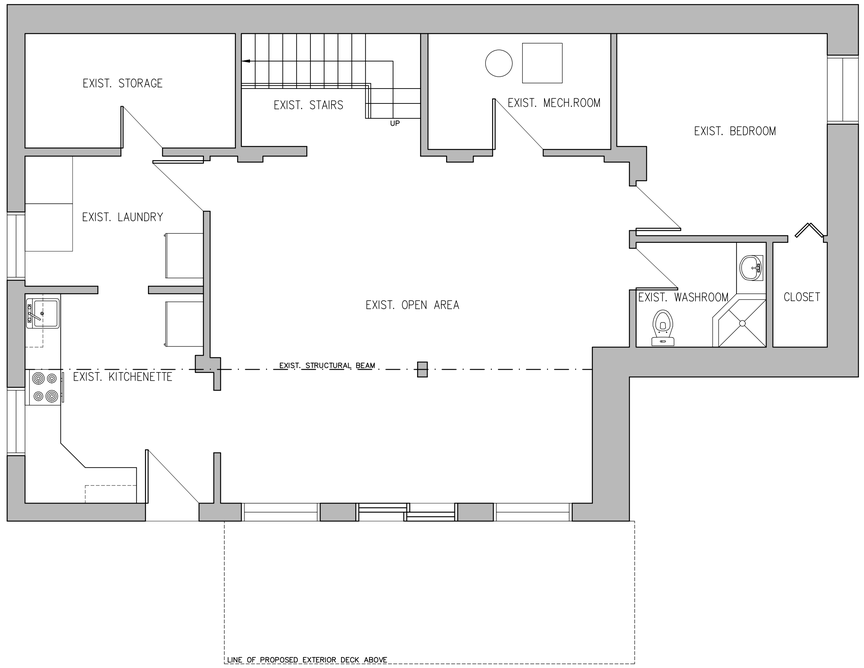
PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

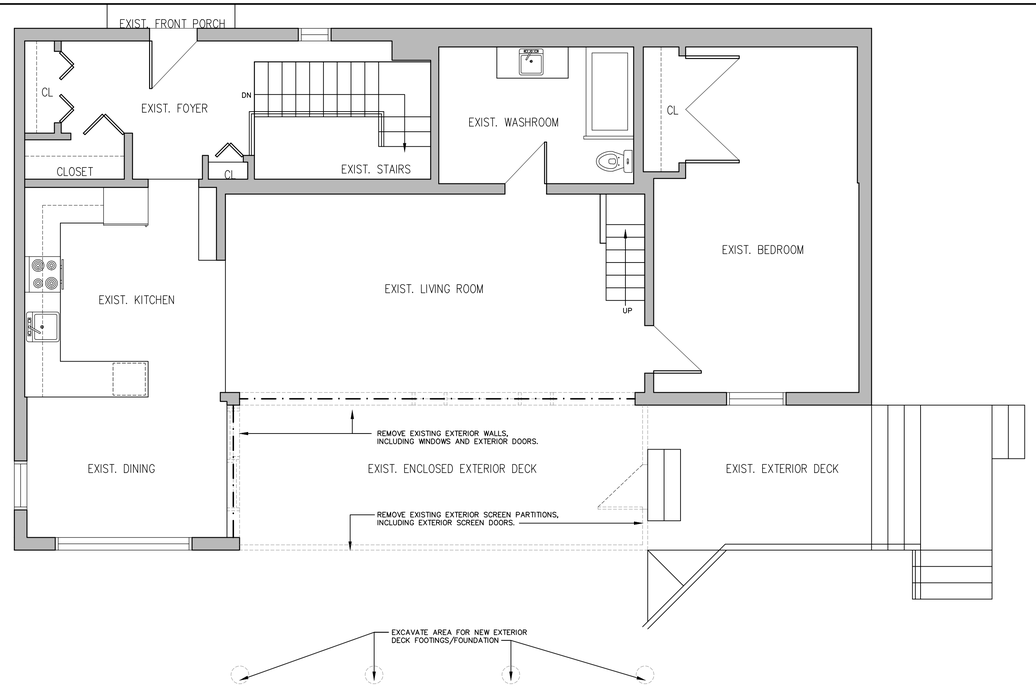
FOR:
MR. BILL O'LEARY

DRAWING:
SITE PLAN

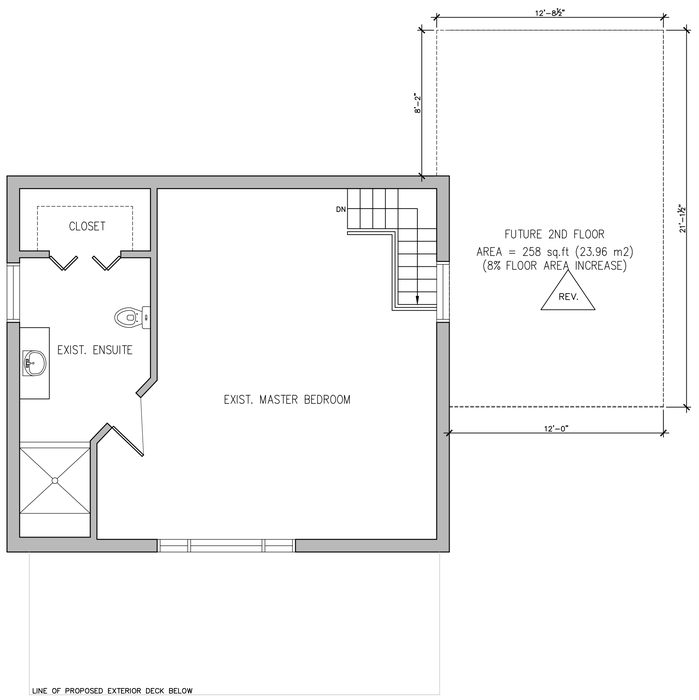
DWG. BY: RC			SCALE	DRAWING No.
DEPT.	CK'D BY	DATE	3/32" = 1'-0"	SK0
DES.			DATE FEB 2020	
W.D.				
SPEC.				
PROJECT No. 2020-04				2020-04-SK0



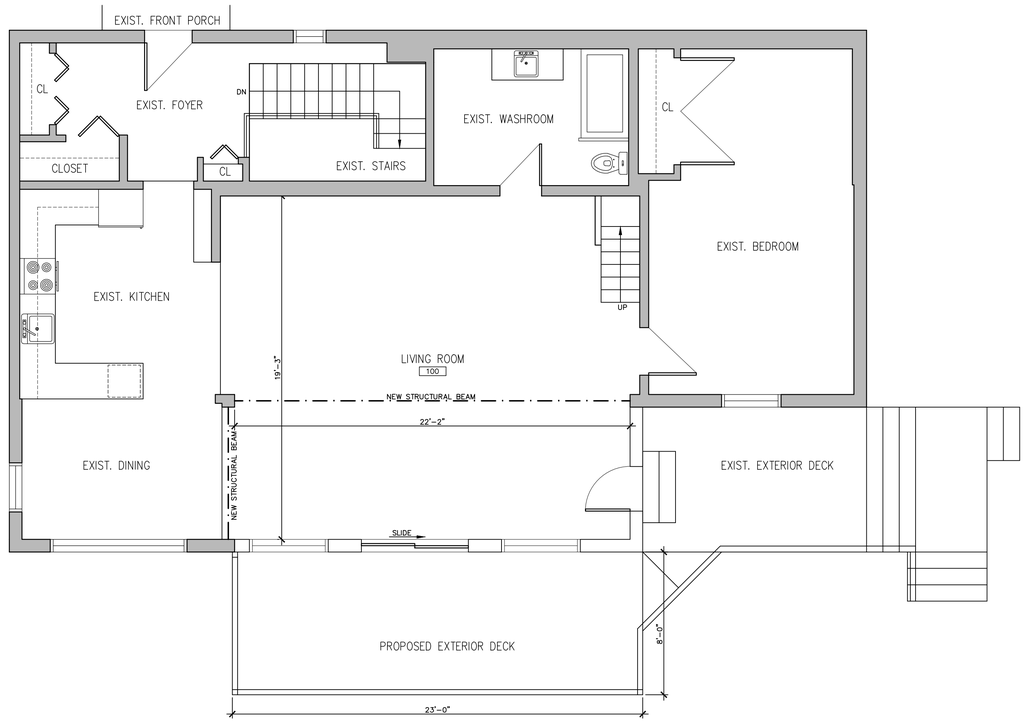
1 SK1 **EXISTING BASEMENT FLOOR PLAN**
SCALE 1/4" = 1'-0"



3 SK1 **EXIST./DEMO. MAIN FLOOR PLAN**
SCALE 1/4" = 1'-0"



3 SK1 **EXISTING SECOND FLOOR PLAN**
SCALE 1/4" = 1'-0"



4 SK1 **PROPOSED MAIN FLOOR PLAN**
SCALE 1/4" = 1'-0"

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
6	20 MAY 01	REVISED AS PER MV COMMENTS (20.04.03.)	
5	20 APR 28	ISSUED FOR CLIENT REVIEW	
4	20 MAR 05	ISSUED FOR MINOR VARIANCE	
3	20 FEB 21	ISSUED FOR CLIENT REVIEW	
2	20 FEB 16	ISSUED FOR CLIENT REVIEW	
1	20 FEB 07	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X, drawing No. Y

PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

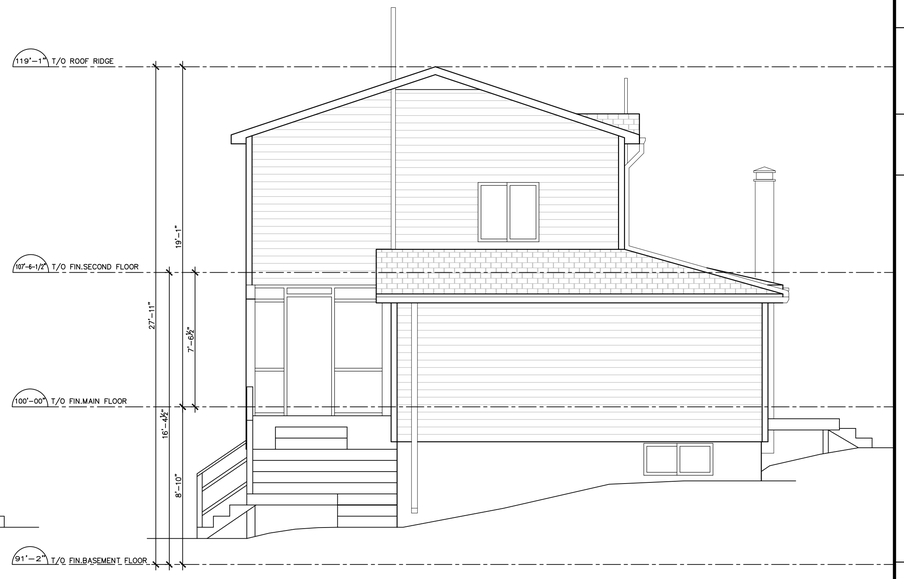
FOR:
MR. BILL O'LEARY

DRAWING:
EXIST. EXTERIOR ELEVATIONS

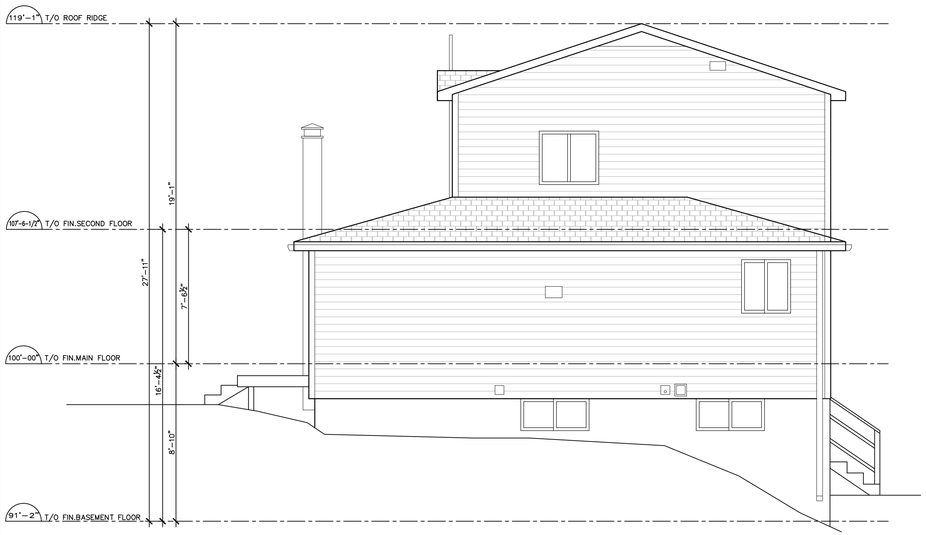
DWG. BY: RC			SCALE	DRAWING No.
DEPT.	CK'D BY	DATE	1/4" = 1'-0"	SK1
DES.				
W.D.			DATE FEB 2020	
SPEC.				
PROJECT No. 2020-04				2020-04-SK1



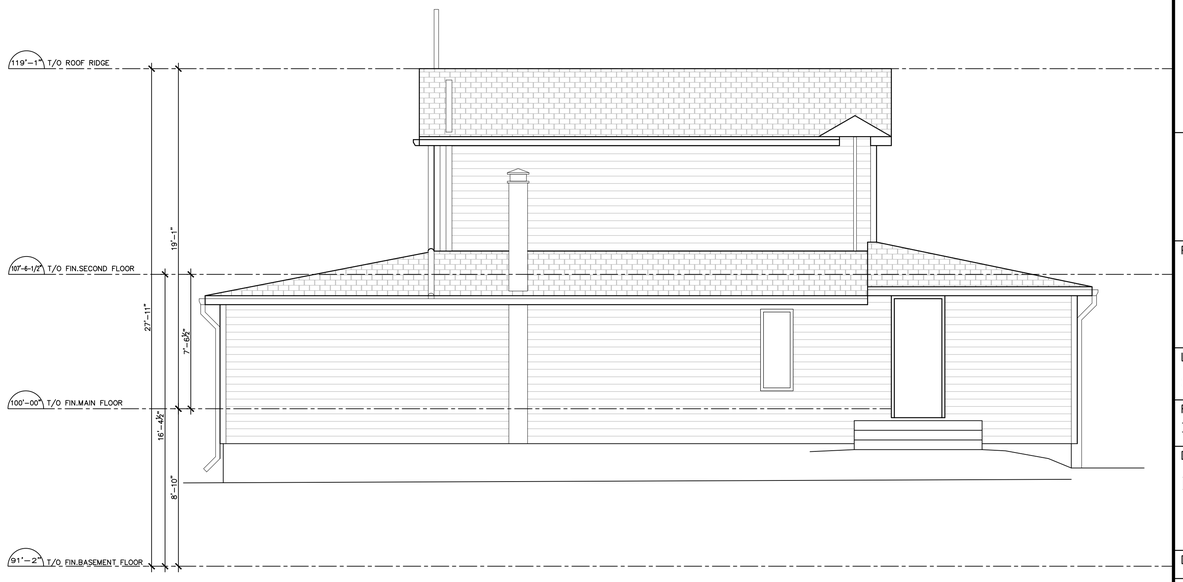
1 EX2 EXISTING NORTH ELEVATION
SCALE 1/4" = 1'-0"



3 EX2 EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"



2 EX2 EXISTING EAST ELEVATION
SCALE 1/4" = 1'-0"



4 EX2 EXISTING SOUTH ELEVATION
SCALE 1/4" = 1'-0"

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
5	20 MAY 01	REVISED AS PER MV COMMENTS (20.04.03.)	
4	20 APR 28	ISSUED FOR CLIENT REVIEW	
3	20 MAR 05	ISSUED FOR MINOR VARIANCE	
2	20 FEB 21	ISSUED FOR CLIENT REVIEW	
1	20 FEB 07	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X, drawing No. Y

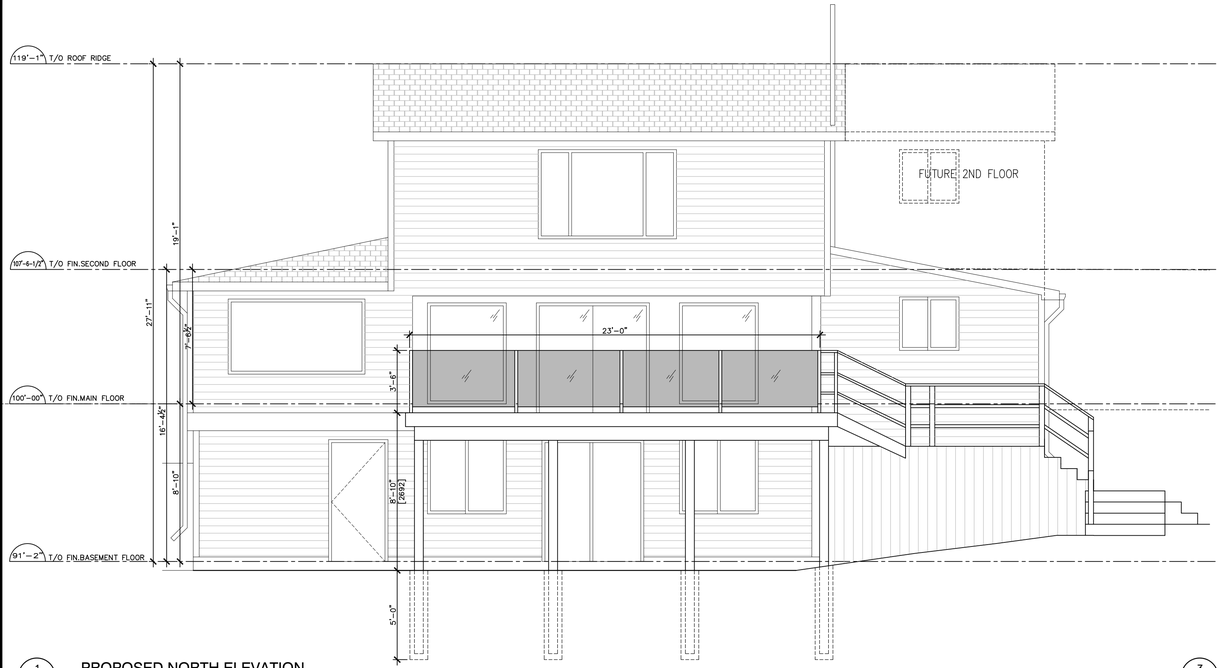
PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

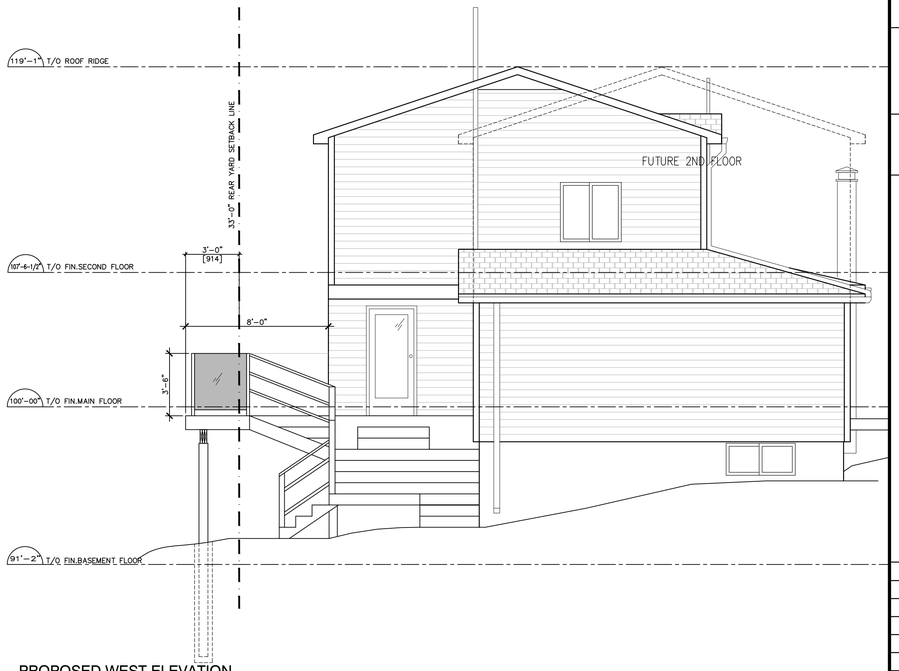
FOR:
MR. BILL O'LEARY

DRAWING:
EXIST. EXTERIOR ELEVATIONS

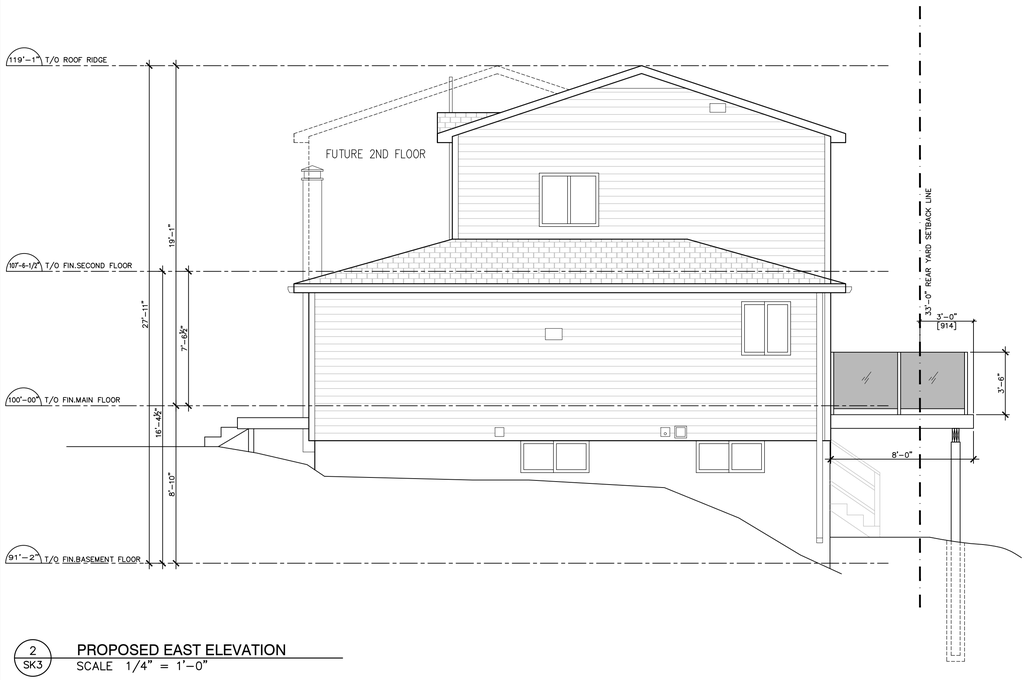
DWG. BY: RC			SCALE	DRAWING No.
DEPT.	CK'D BY	DATE	1/4" = 1'-0"	SK2
DES.				
W.D.			DATE FEB 2020	
SPEC.				
PROJECT No. 2020-04				2020-04-SK2



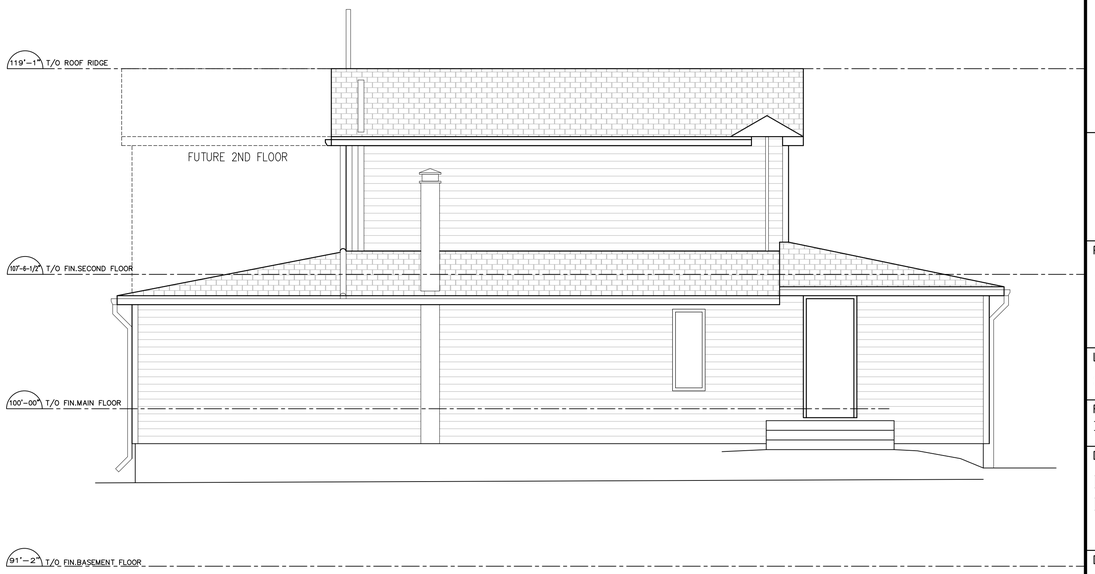
1 SK3 **PROPOSED NORTH ELEVATION**
SCALE 1/4" = 1'-0"



3 SK3 **PROPOSED WEST ELEVATION**
SCALE 1/4" = 1'-0"



2 SK3 **PROPOSED EAST ELEVATION**
SCALE 1/4" = 1'-0"



4 SK3 **EXISTING SOUTH ELEVATION**
SCALE 1/4" = 1'-0"

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
6	20 MAY 01	REVISED AS PER MV COMMENTS (20.04.03.)	
5	20 APR 28	ISSUED FOR CLIENT REVIEW	
4	20 MAR 05	ISSUED FOR MINOR VARIANCE	
3	20 FEB 21	ISSUED FOR CLIENT REVIEW	
2	20 FEB 16	ISSUED FOR CLIENT REVIEW	
1	20 FEB 07	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X, drawing No. Y

PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

FOR:
MR. BILL O'LEARY

DRAWING:
PROPOSED EXTERIOR ELEVATIONS

DWG. BY: RC			SCALE	DRAWING No.
DEPT.	CK'D BY	DATE	1/4" = 1'-0"	SK3
DES.				
W.D.			DATE FEB 2020	
SPEC.				

PROJECT No. 2020-04 — 2020-04-SK3

Ontario Lake Assessments
& Environmental Education Services

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

07 January 2020

COPY

Mr. Bill O'Leary
3865 Corkey Lane
Inverary, Ontario
K0H 1X0

REGARDS: Preliminary EIA for building application at 3865 Corkey Lane; Storrington District; South Frontenac Township; Loughborough Lake

Dear Bill O'Leary:

Thank you for joining me on a site visit to the above location on December 14, 2019. At the time of the site visit the snow that had fallen the previous week had melted such that the ground and all surfaces were clear and easily observed. Photos were recorded during the site visit.

This property is located on the south shore of the west basin of Loughborough Lake; the lake is designated 'at capacity' by the Ministry of Environment Conservation and Parks (MOECP) and as such 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 Loughborough 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, lawns and hardened surfaces like rooftops, patios and decks. 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.

Nutrients that reach the lake result in the growth of more algae (phytoplankton) which under severe conditions can impact lake trout habitat by way of oxygen loss during the period when the lake is stratified. Through in-situ water quality monitoring and lake modelling, Loughborough Lake has been determined to be highly sensitive to oxygen loss as a result and that sets the 'at capacity' designation. 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 site is a heavily impacted lot with regard to development near the shoreline. The entire structure is located closer to the water than 30m (100 ft); it is entirely within the normal 30m buffer.

.... 2

The area between the front wall of the residence and the lake is devoid of natural vegetation and is converted to a lawn. There are two wooden retaining walls (constructed of rail road ties) between the residence and the shoreline that create terraces. The entire lake front shoreline has been 'stabilized' with gabion baskets filled with crushed rock and then backfilled to create a lawn area. An existing detached garage is located to the southwest side of the permanent residence.

The Proposal: The proposal is to add a 25 ft. x 9 ft. elevated deck to the front of the residence on the lake side. The proposal will increase all-season living space by converting the existing screened in porch area to all-season use. The proposal does not increase the number of bedrooms but will allow for a reconfiguration of living space.

Potential Impacts: This proposal does not include any in-water or near-shore work; it does not require filling, excavating or drainage works near the water; that work was all done under previous ownership when the gabion baskets were installed.

There are no impacts to species at risk (SAR) as a result of this proposal. The proposed footprint of this elevated deck does not contain habitats for the species indicated.

This property would benefit from some shoreline re-naturalization

- Environmentally, this property would benefit from a remediation measure to re-naturalize the area between the lake and the proposed residence (the buffer strip) with native trees and shrubs. In time, these trees will act to intercept and sequester nutrient movement toward the lake into their biomass as well as diminish the urban appearance from the water.

In my opinion, this deck addition as proposed, inclusive of remediation recommendations, will not cause a measurable impact on Loughborough Lake and therefore should be considered minor.

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

Copy to:

Trudy Gravel, Planner
Township of South Frontenac
4432 George St.
Box 100
Sydenham, Ontario
K0H 2T0

Ontario Lake Assessments
& Environmental Education Services

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

July 6, 2020

Anna Geladi, Planner
Township of South Frontenac
4432 George Street
Sydenham, Ontario
K0H 2T0

REGARDS: Development Impacts on Water Quality from Hardened Surfaces
MV-09-20-L O'Leary Loughborough Lake

Dear Anna Geladi:

I continue to receive correspondence from the Municipality and the CRCA that refers to the impact on water quality from the creation of hardened surfaces like decks. For the above mentioned application and for many others where I have prepared EIA(s) and concluded that there would be 'no water quality impact', the Municipality and the CRCA continues to cite water quality as the limiting or controlling factor when it comes to the approval decision making. This position is not defendable from a scientific perspective.

I understand that there are new planning staffs at South Frontenac Township and new C of A members who may not be aware that the Municipality forced this very issue before the OMB in 2009 on Devil Lake (also a designated at capacity lake trout lake) (see OMB Decision PL090355). The Municipality and the CRCA cited water quality as the controlling factor to deny an addition within the 30m setback from the water. The decision was appealed to the OMB and the board ruled against the municipality's position.

I am providing below some discussion to help the planning staff and the C. of A. members to understand that small area hardened surfaces do not play a role in impacting water quality and should not be used as justification for denial of an application; there may be other complicating factors but water quality is not one of them.

Using the O'Leary application (MV-09-20-L) as an example, the proposed new deck area is 17.1 m^2; the annual atmospheric deposition rate for phosphorus in eastern Ontario is 16. 7 mg/m^2 (taken from the Ontario Lakeshore Capacity Model and confirmed by V. Castro at MECP) so in a year's time there would be 285.62 mg of phosphorus deposited on the deck. Just to be clear the 16.7 mg/m2 value is important in the lake impact modelling exercise. It is used to calculate the atmospheric loading of phosphorus directly onto the lake surface; it is often a larger load than the anthropogenic load. There is no provision in the Ontario Lakeshore Capacity Model to calculate the supply of phosphorus from impermeable surfaces. The reason for this is that it is infinitesimally too insignificant.

So, for a worst case scenario, I assume that all of that phosphorus goes directly to the lake. It then becomes diluted by the total volume of water in the basin (109,045,000 m^3) to become 0.0000026 ug/L. I calculate and report this in ug/L because that is how MECP report the measured TP values for the lakes.

….2

The actual mean measured value for Loughborough Lake is 13.3 ug/L (MECP Lake Partner Program data 2002-2007). The smallest unit that MECP analyze TP for is ug/L; it is simply the best that can be achieved and a worst case scenario as assumed above predicts a value a million times smaller than what we are currently able to measure; it is simply unmeasurable.

In order to address the cumulative impact argument of a 17.1 m^2 deck being added to every residence on the lake, including all the residences that could be placed on existing vacant lots of record, I will use MOE/MNR data published in the Inland Lake Trout Management in Southeastern Ontario (1993) report. The 425 residences with deck expansions would result in a phosphorus increase of 0.0011 ug/L for Loughborough Lake, again an unmeasurable amount; it is at least 1000 times lower than what we can actually measure.

Attached find the complete calculations to help clarify the position that denials of this type of application on the basis of water quality impacts does not stand the test of scientific scrutiny. For some applications, I recommend that eves troughs and down spouts be directed to French drains or soak-way pits; these are used principally to reduce flow energy and therefore erosion into the lake.

The EIA completed for this application makes observations regarding the area between the structure and the shoreline and makes recommendations for remediation work to be done to re-naturalise this space. It has some merit as a condition of approval that addresses both nutrient containment from all up-gradient sources as well as aesthetics by reducing the urbanized appearance of this piece of shoreline.

I ask that this letter and the attachment be included as an addendum to the PEIA. If any of the planning staff or the C. of A. members have questions regarding this addendum, I will be pleased to address them by telephone during the meeting of July 9, 2020.

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

This correspondence by email to:
Dodds Claire - cdodds@southfrontenac.net
Anna Geladi - ageladi@southfrontenac.net
Michelle Hannah - mhannah@southfrontenac.net
Bill O'Leary - bill@havenhomeclimatecare.ca

THE CUMULATIVE EFFECT OF TP LOADING FROM HARDENED SURFACES - ONTARIO LAKESHORE CAPACITY STUDY (OLCS)

1) -Proposed increase in deck 8' x 23' (184 ft2) = 17.10 m2

TOTAL INCREASE IN AREA 17.10 m2

ANNUAL ATMOSPHERIC DEPOSITION RATE OF PHOSPHOROUS IN EASTERN ONTARIO = 16.7 mg/m2 *

2) * -The atmospheric deposition rate is taken from the Ontario Lakeshore Capacity Study -Trophic Status Report (p. 17) and a more recent update by Patterson et al. (2006) (p.9). The 16.7 mg/m2 value is also corroborated by Victor Castro at MOE (Kingston).

3) - ANNUAL ATMOSPHERIC PHOSPHOROUS THAT WOULD BE DEPOSITED ON THE PROPOSED DECK WOULD BE:

16.7 mg/m2 x 17.10 m2 = 285.62 mg

4) - THE VOLUME OF LOUGHBOROUGH LAKE (West Basin) IS 109,045,000 m3*
*** MNR and MOE REPORT 1993 - Inland Lake Trout Management in Southeastern Ontario p. 112 & 113**

5) - To determine the concentration divide the projected load (mg) by the volume (m3).

285.62 mg / 109,045,000 m3 = 0.0000026 mg /m3

1.0 mg = 1000 ug; therefore 0.0000026 mg/m3 = 0.0026 ug/m3

1.0 m3 = 1000 L ; therefore 0.0026 ug/m3 = 0.0000026 ug/L

6) - Assuming that the phosphorous from this hardened surface goes directly to the lake without the benefit of soil adsorption or the benefit of uptake by the buffer strip and without calculating the portion that would be lost through the outlet (outflow volume) and without calcualting the portion that would would be lost due to sedimentation, the increase in phosphorous concentration to the lake would be 0.0000026 ug/L.
0.0000026 ug/L = 0.0000026 ppb (parts per billion)or 0.0026 ppt (parts per trillion) or 2.6 ppq (parts per quaddrillion)
The actual measured mean value for Loughborough Lake is 13.3 ug/L, so this deck would potentially increase the TP concentration to 13.3000026 ug/L.

WHAT IS THE POTENTIAL CUMULATIVE IMPACT ?

7) - TOTAL NUMBER OF RESIDENCES & EXISTING VACANT LOTS OF RECORD = 425*
***** MNR AND MOE REPORT 1993 Inland Lake Trout Management in Southeastern Ontario**

8) - ANNUAL AMOUNT OF ATMOSPHERIC PHOSPHOROUS DEPOSITED ON THE SAME SIZED RENOVATION TO ALL 425 RESIDENCES or POTENTIAL RESIDENCES

285.62 mg X 425 COTTAGES OR HOMES = 121,388.5 mg

9) - The following assumes a worst case scenario, that there is no nutrient containment in any of the on-site soils and no nutrient uptake and storage by any of the shoreline buffer strip. It assumes all the phosphorous goes directly to the lake and that none is lost through the outlet (outflow volume) and that none is deposited out in the sediments.

10) - THE VOLUME OF LOUGHBOROUGH LAKE (WEST BASIN) IS 109,045,000 m3
MNR and MOE REPORT 1993 Inland Lake Trout Management in Southeastern Ontario

121,388.5 mg / 109,045,000 m3 = 0.0011 mg /m3

1.0 mg = 1000 ug; therefore .0011 mg/m3 = 1.1 ug/m3

1.0 m3 = 1000 L ; therefore 1.1 ug/m3 = 0.0011 ug/L

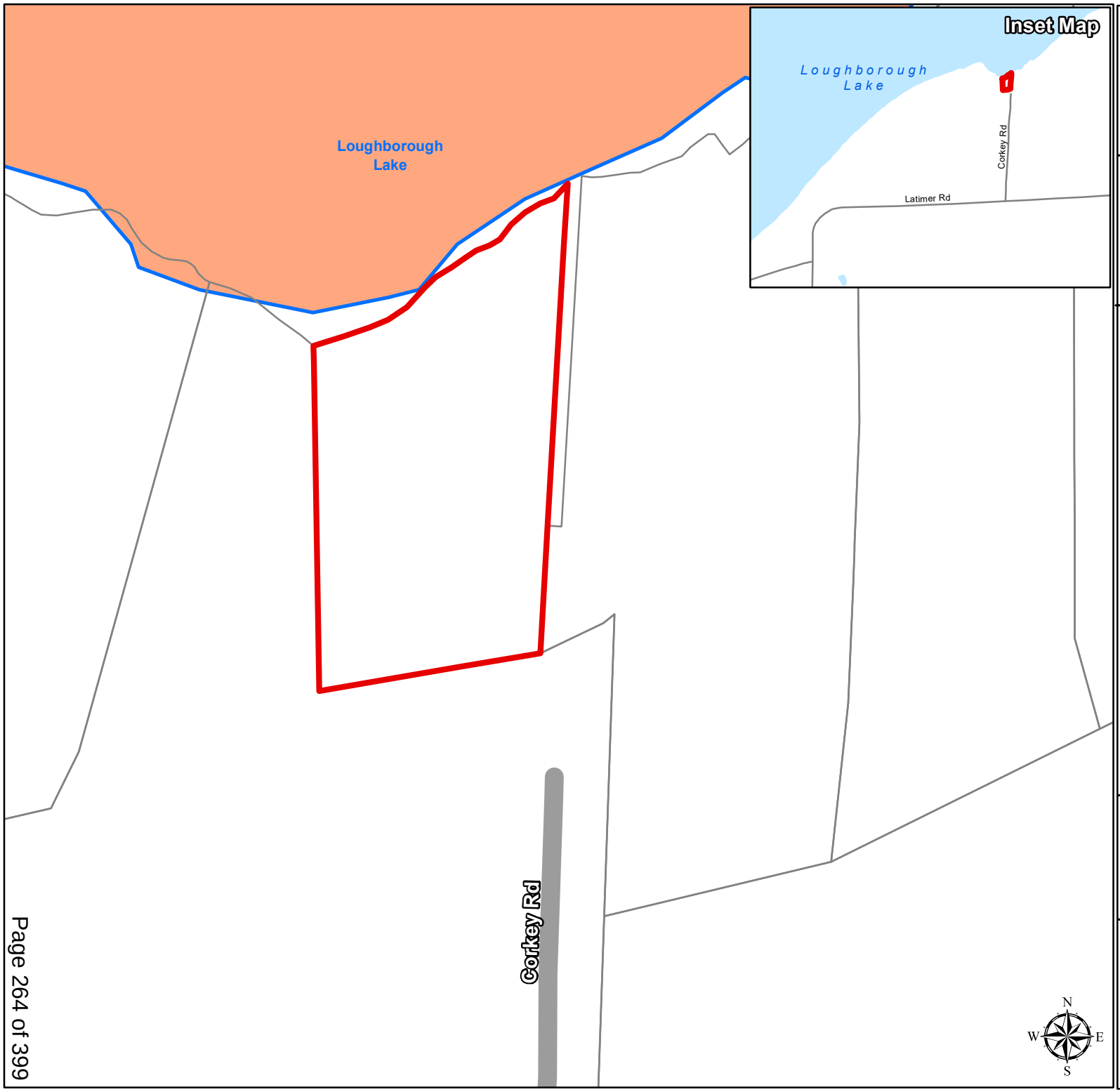
11) - If this proposed renovation were added to all 425 properties on Loughborough Lake (West Basin) and all the resulting atmospheric deposition of phosphorous to the hardened surfaces is assumed to go directly into the lake and assuming no phosphorous is carried out of the lake at the outlet and no phosphorous is sedimented out in the sediments it would result in an increase in TP concentation in the lake of .0011 ug/L or 1.1 ten-thousandth of a part per billion (ug/L).
0.0011 ug/L = 0.0011 ppb or 1.1 parts per trillion

12) - AVERAGE TP VALUE FOR LOUGHBOROUGH LAKE (W.B.) FOR PERIOD 1975 - 1989 is - 24.0 ug/L *
***** - MNR and MOE REPORT 1993 - Inland Lake Trout Management In Southeastern Ontario**
AVERAGE TP VALUE FOR LOUGHBOROUGH LAKE (W.B.) LAKE FOR THE PERIOD 2002 TO 2007 is - 13.3 ug/L**
****** MOE LAKE PARTNER PROGRAM**

So for a worst case scenario where all the phosphorus, from every residence on the entire lake getting a deck of the size goes directly to the lake, the predicted TP value would increase by 0.0011 ug/L . This would be added to the actual mean measured value of 13.3 ug/L
(13.3011 ug/L)

1 PART PER BILLION (ppb)
IN THE DISTANCE BETWEEN
THE EARTH and the MOON
THE KNOWN DISTANCE BETWEEN THE EARTH AND THE MOON IS 384,000 km.
(384,000,000 m)
1.0 ug/L is one part per billion (ppb) (e.g. 1.0 ppb of Total Phosphorus)
The hardened surface from the renovation would result in only an increase in TP concentration of
0.0000026 ppb = 0.0026 ppt = 2.6 ppq
.0000026 ppb in the distance between the earth and the moon is
384,000,000 / 2,600,000,000,000,000 which is equal to 0.15 metres

REFERENCES:
MOE / MNR REPORT INLAND LAKE TROUT MANAGEMENT IN SOUTHEASTERN ONTARIO - January 1993 - Queen's Printer for Ontario, Canada ISBN 0-7778-0224-4 160 pp.
MMA report LAKESHORE CAPACITY STUDY - TROPHIC STATUS Queen's Printer for Ontario, Canada ISBN 07743- 8077- 2 89 pp.
Paterson, A.M. et al. 2006. A review of the components, coefficients, and technical assumptions Ontario Lakeshore Capacity Model. Lake and Reserv.Manage. Vol22(1):7-18.



MV-09-20-L
(O'Leary)

3865 CORKEY RD

Legend

- O'Leary 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 1:700

0 3.25 6.5 13 19.5 26

Meters

UTM Projection NAD 83

June 29, 2020 File: MV/FRS/117/2020

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 Minor Variance MV-09-20-L (O'Leary)
Part Lot 16, Concession 3; 3865 Corkey Road
Loughborough District, Township of South Frontenac
Waterbody: Loughborough Lake (West Basin)

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 June 25, 2020.

Summary of Proposal

The proposal involves the construction of a deck 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 9.14 metres in order to permit the construction of a deck.
- Increase lot coverage for the principal dwelling from 7% to 8%.

Site Description

The subject property is located on the southern shore of the west basin of Loughborough Lake. The topography of the site can be characterized as having a relatively steep slope up from the shoreline to the existing dwelling, then continuing to rise less steeply toward Corkey Road to the south. Presently, the lot contains a single-family dwelling, a garage and associated development.

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. The west basin of Loughborough Lake is 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 Loughborough 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 Loughborough Lake. The maximum recorded water level for Loughborough Lake is 125.1 metres geodetic. For Loughborough Lake, the maximum recorded water level is used in lieu of an engineered flood plain. 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 for bedrock shorelines of 3 (horizontal):1 (vertical), plus an erosion access allowance of 6 metres. Based upon observations and measurements taken at the site, staff estimate the total erosion hazard to be approximately 12 metres measured inland from the toe of slope. Staff note that the proposed development will encroach into the erosion access allowance portion of the total erosion hazard limit.

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 minimum 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 highwater mark of a waterbody.

Staff recognize that, due to lot constraints, there is limited opportunity for all development to meet the 30 metre setback required by the Official Plan. In these cases, Section 6.1.7 c. of Cataraqui Conservation's Environmental Planning Policy is applied which suggests that development may be supported within the water setback area on existing, constrained lots based upon the circumstances of a given proposal and site, where the proposed development expands or replaces an existing building or structure, or is new development on a vacant lot, and:

i) the new building or structure is set back as far as possible from the highwater mark of a waterbody and all inland setbacks are minimized;
ii) the footprint of the new building or structure is minimized, with consideration for municipal maximum lot coverage provisions;
iii) suitable methods to minimize negative impacts on surface water and riparian lands are incorporated into the development.

The proposal is seeking relief to increase the maximum lot coverage for the principal dwelling from 7% to 8%. 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 provisions of the PPS and the Official Plan, particularly when a property is located on a sensitive Lake Trout lake, such as the west basin of Loughborough Lake. Staff note that the total lot coverage (principal building plus accessory structures) is increasing from 10% to 11%.

In addition, the proposal involves the construction of a lakeside deck that encroaches 2.44 metres closer to the water than existing development. As noted above, Loughborough Lake is identified as a highly sensitive Lake Trout lake, and as such, the waterbody is afforded additional protections to ensure development does not negatively impact the water quality of the lake. 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."

Based upon the discussion above, staff do not support approval of the minor variance application.

Recommendation

Staff recommend denial of application MV-09-20-L based upon our consideration for natural hazards 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 (construction, filling, and site alteration) within 15 metres of a valley land. The valley of Loughborough Lake is considered to extend inland to the top of the valley. If the minor variance is approved, 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. Michelle Hannah, South Frontenac Township (via e-mail)
Anna Geladi, South Frontenac Township (via e-mail)
Bill O'Leary, applicant (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks (via e-mail)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

PLANNING REPORT – VARIANCE APPLICATION

Report Date:	July 2, 2020
Application No:	MV-11-20-B
Owner:	Chris Arbeau & Carolyn Westlake
Location of Property:	Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, 98 Mill Bay Lane, Bobs Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary Sections 5.10.2, 5.8.2a) and 10.3.1 of the Township of South Frontenac Zoning Bylaw
Date of Hearing:	July 9, 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-11-20-B to allow the applicant time to reconsider their proposal and provide additional information. And to allow staff and agencies additional time to work with the applicants to modify the submitted plans.

Proposal

An application for minor variance has been submitted for the property located at Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, Bobs Lake, District of Bedford, Township of South Frontenac, municipally known as 98 Mill Bay Lane (see attached map) to permit the demolition of the existing deck and main door landing and to permit the construction of an addition to the house in an 'L' shape and a new deck. The addition to the house is proposed to be 4 metres x 7.3 metres (9.8 feet x 23.95 feet) and will be approximately 19 metres (62.4 feet) from the highwater mark in line with the current deck and existing setback. The deck is proposed to be 5.5 metres x 3 metres (18 feet x 9.8 feet) maintaining its existing set back to the highwater mark of Bobs Lake at 19 metres (62.4 feet). The legal non-complying structure will be increasing in size from 102.7 metres^2 (1105 feet^2) to 135 metres^2 (1453 feet^2) by adding an addition and deck to the existing house. This proposal would see an increase in the lot coverage of the principal structure from 6.2% to 8.2%.

The subject property is located on Bobs Lake. The topography of the property consists of steep slopes. The applicants have made considerable effort to slow the rate of erosion and vegetate the slope.

The applicants have raised a number of concerns about the ability to locate an addition elsewhere on their property due to constrains that exist on-site and with the existing interior layout of the dwelling. The applicant has submitted a revised proposal and together with the Conservation Authority we are working towards finding an alternate location for their expansion.

Comments from Kingston Frontenac and Lennox & Addington Public Health (KFL&A) have indicated that they require more information on the sewage system.

Rideau Valley Conservation Authority (RVCA) have provided comments recommending the Committee defer the application as they have concerns about hazards on site that may mean that this proposal is not consistent with Section 3.1 of the Provincial Policy Statement. It is recommended that a geotechnical opinion be obtained and reviewed by RVCA staff. RVCA staff also have raised concerns about the development not being consistent with the Township's Official Plan and Zoning By-law.

Township staff are of the opinion that it is advisable for the Committee to defer making a decision on the application to allow for additional time to provide KFL&A Public Health with the information they require. For the applicant consider alternate locations for expansion and to obtain a geotechnical review of their proposed development. The deferral will provide additional time for planning staff to work with the applicants to modify their plans based on the preliminary review of the application.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Submitted by:
Anna Geladi, Planner, Township of South Frontenac

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

Date of Site Visit: June 29, 2020

Attachments: Map of Arbeau & Westlake property

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

Date Received: April 3, 2020 File No: MV-11-20-B

1. Name of Owner(s): CHRIS ANGEAN CAROLYN WESTLAKE

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: NATHAN JONES

Full Mailing Address of Authorized Agent: [redacted]

[redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

[redacted]

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: ~~6~~ 7 Lot Number: 34

Street Number: 98 Name of Road/Street: MILL BAY LANE

Reference Plan Number: 13R167 Part Number(s): 34

Roll Number:

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): 46.2 m Frontage (on road/lane): 43.5 m

Depth: 45 m Area: ± 1890 m²

5. The current zoning of the subject land:

RESIDENTIAL

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

- NEW ADDITION TO BE WITHIN 19.0 m OF THE HIGH WATER MARK
- INCREASE TO ALLOWED LOT COVERAGE

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

- RESIDENCE IS ALREADY IN THE 30 m REQUIRED SET BACK
- EXISTING RESIDENCE & DECK EXCEEDS 5% OF LOT COVERAGE & ADDITION WILL ADD TO IT.

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

Name of Road/Lane:

MILL BAY LANE

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

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

RESIDENTIAL

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) PRINCIPAL RESIDENCE	(2) DECK	(3) LANDING FOR FRONT DOOR	(4)
Setback from Front Lot Line	22.0 m	19 m	24.5 m	
Setback from Rear Lot Line	22.9 + 19.5	26.8	26.0	
Setback from Side Lot Line	7.2 22.8	8.5 24	5.8	
Height of Building (Also indicate if it is one story or two story)	ONE STORY 3.8 CRAWL SPACE 1.7 → .3			
Dimensions of Floor Area	11 x 7.3 = 80 m^2	6.8 x 3.0 = 20.4 m^2	1.9 x 1.2 = 2.28 m^2	
Setback from High Water Mark (If applicable)	22.0	19	24.5	

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:

Type of Structure (E.g. residence)	(1) PRINCIPAL RESIDENCE	(2) DECK	(3) INCREASE TO ALLOWABLE LOT COVERAGE	(4)
Setback from Front Lot Line	19m	19m		
Setback from Rear Lot Line	26m	30m		
Setback from Side Lot Line	4.9 22.8	22.8		
Height of Building (Also indicate if it is one story or two story)	1 STORY = 3.8 CRAWL SPACE 1.7m			
Outside Dimensions of Building/Structure	ADDITION 8.5x3 = 25.5 4.3x3 = 12.9 = 38.4m²	5.5 x 3.0 = 16.5m²		
Setback from High Water Mark (If applicable)	19m	19m		

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

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

If yes, please provide details:

REMOVING EXISTING DECK & LANDING FOR MAIN DOOR

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:

DECEMBER 2017

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

1990

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

~~SINCE 1990~~ 30 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 DRILLED WELL.

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

PRIVATE 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.

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.

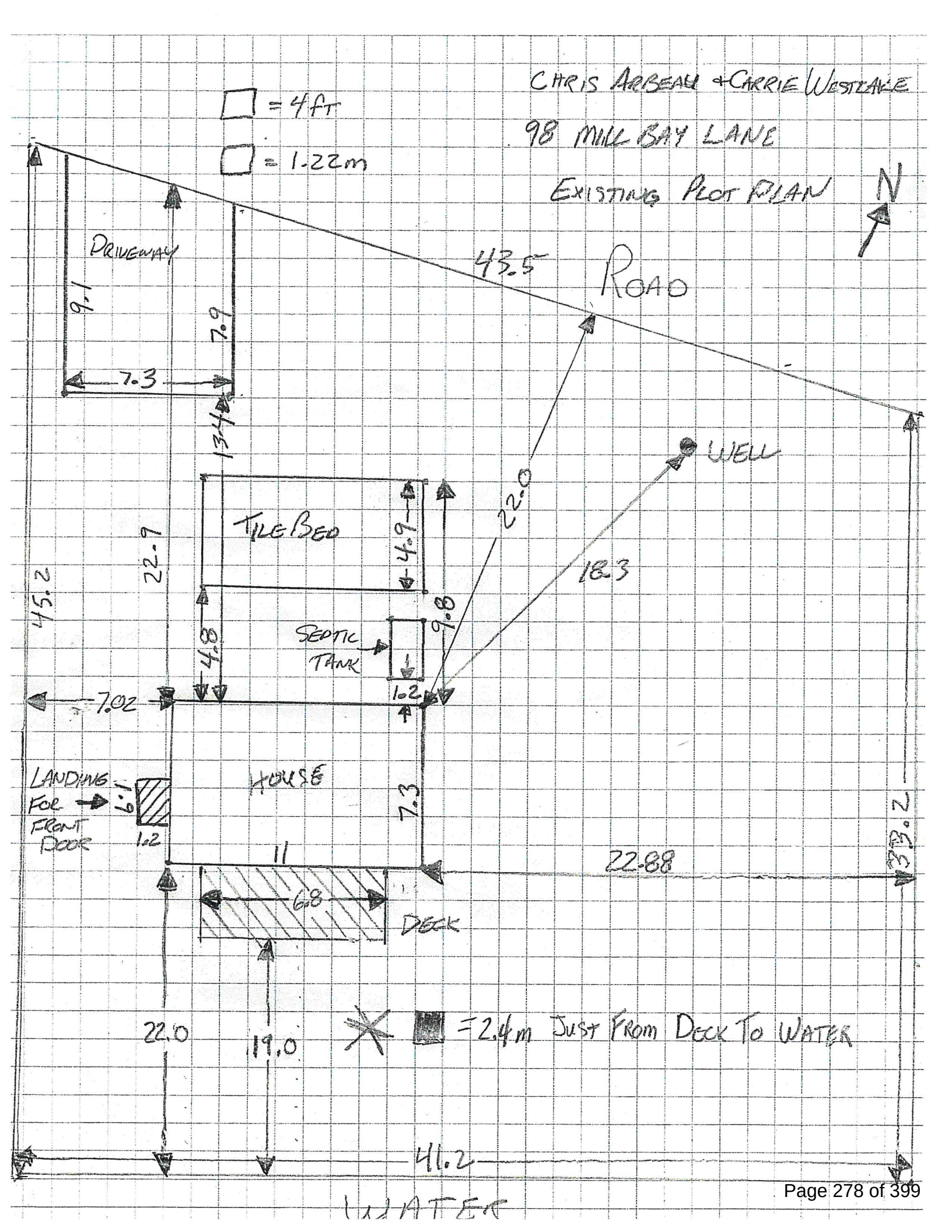
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal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


CHRIS ARSEAU + CARRIE WESTLAKE
98 MILL BAY LANE
EXISTING PLOT PLAN
N
□ = 4ft
□ = 1.22m
DRIVEWAY
9.1
7.9
7.3
43.5
ROAD
WELL
22.0
18.3
TILE BED
4.9
22.9
45.2
4.8
SEPTIC TANK
9.8
1.2
7.02
LANDING FOR FRONT DOOR
6.1
1.2
HOUSE
7.3
11
22.88
23.2
6.8
DECK
22.0
19.0
= 2.4m JUST FROM DECK TO WATER
41.2
WATER

□ = 4ft

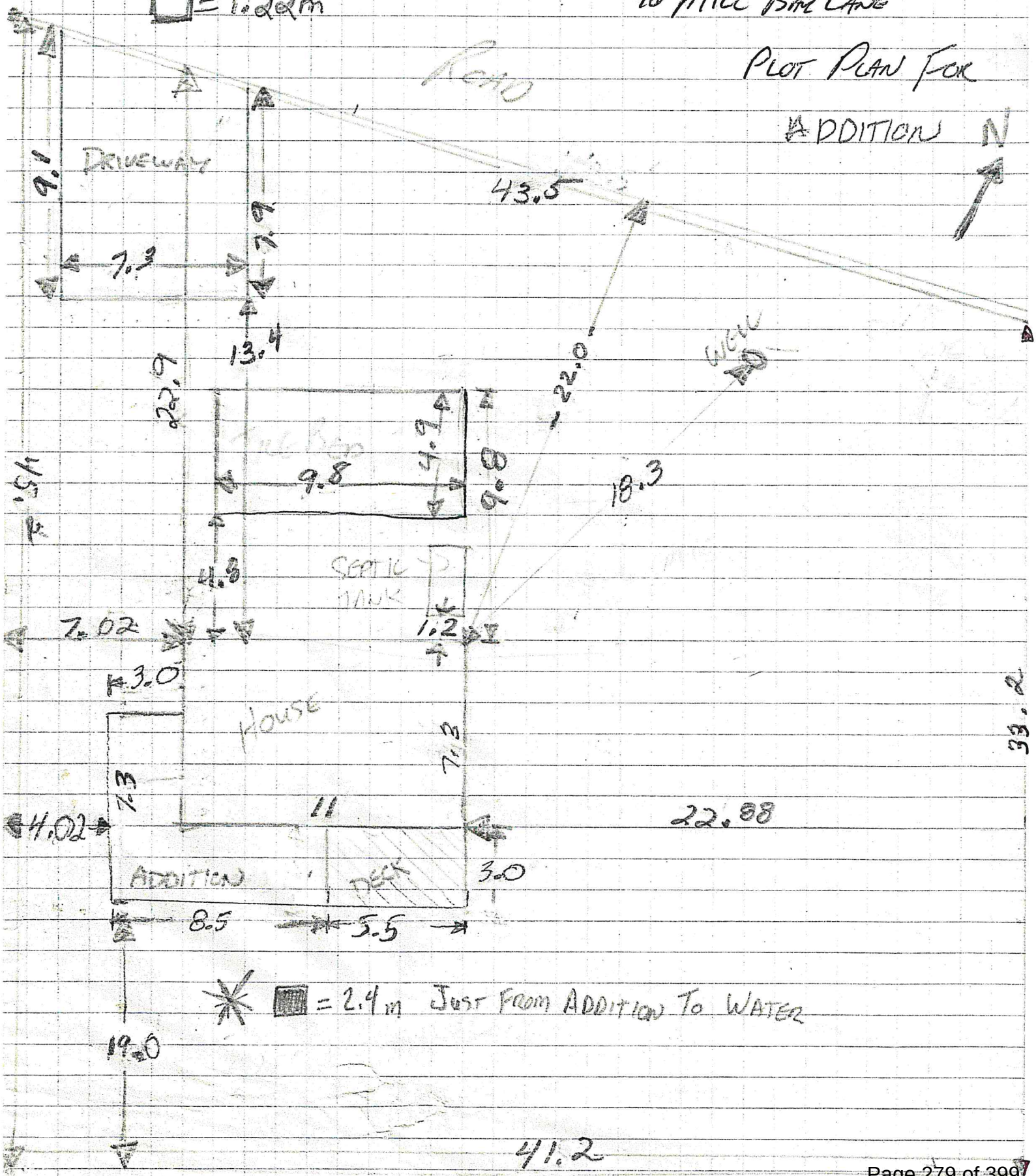
□ = 1.22m

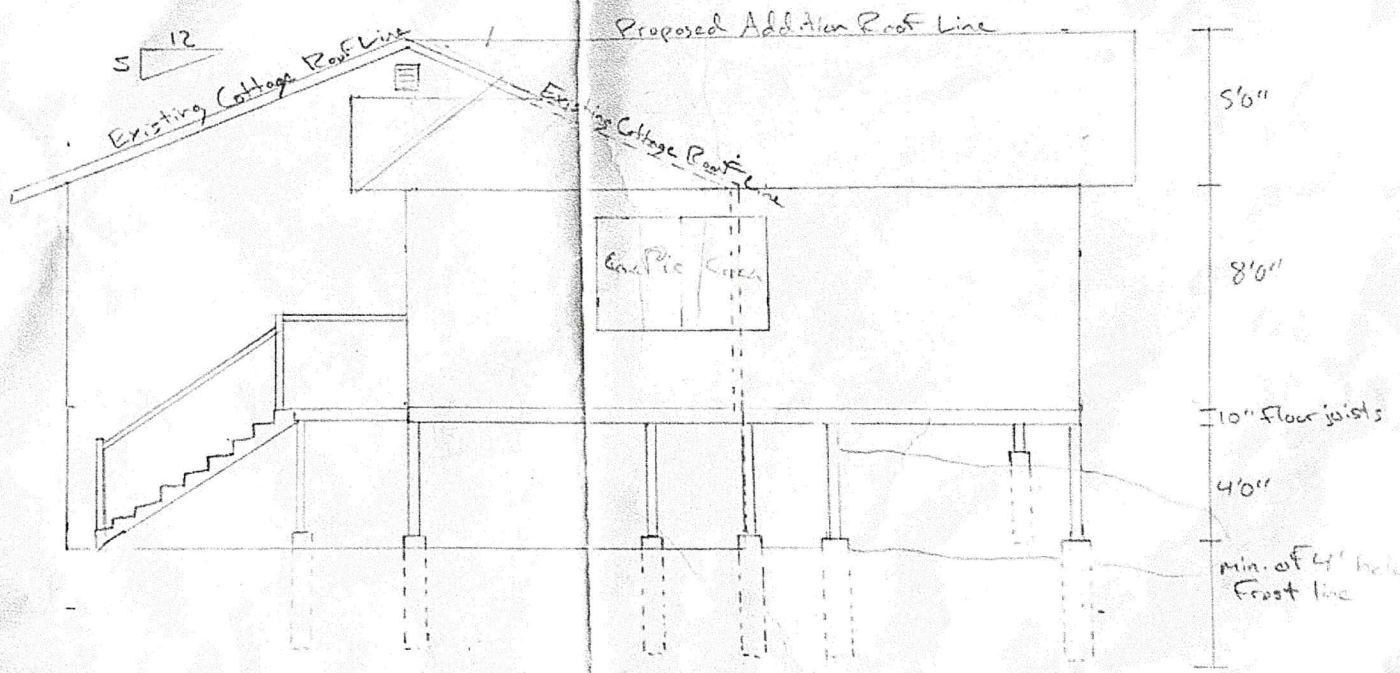
CHRIS ARBEAU & CARRIE WEBSTAKE

98 MILL BAY LANE

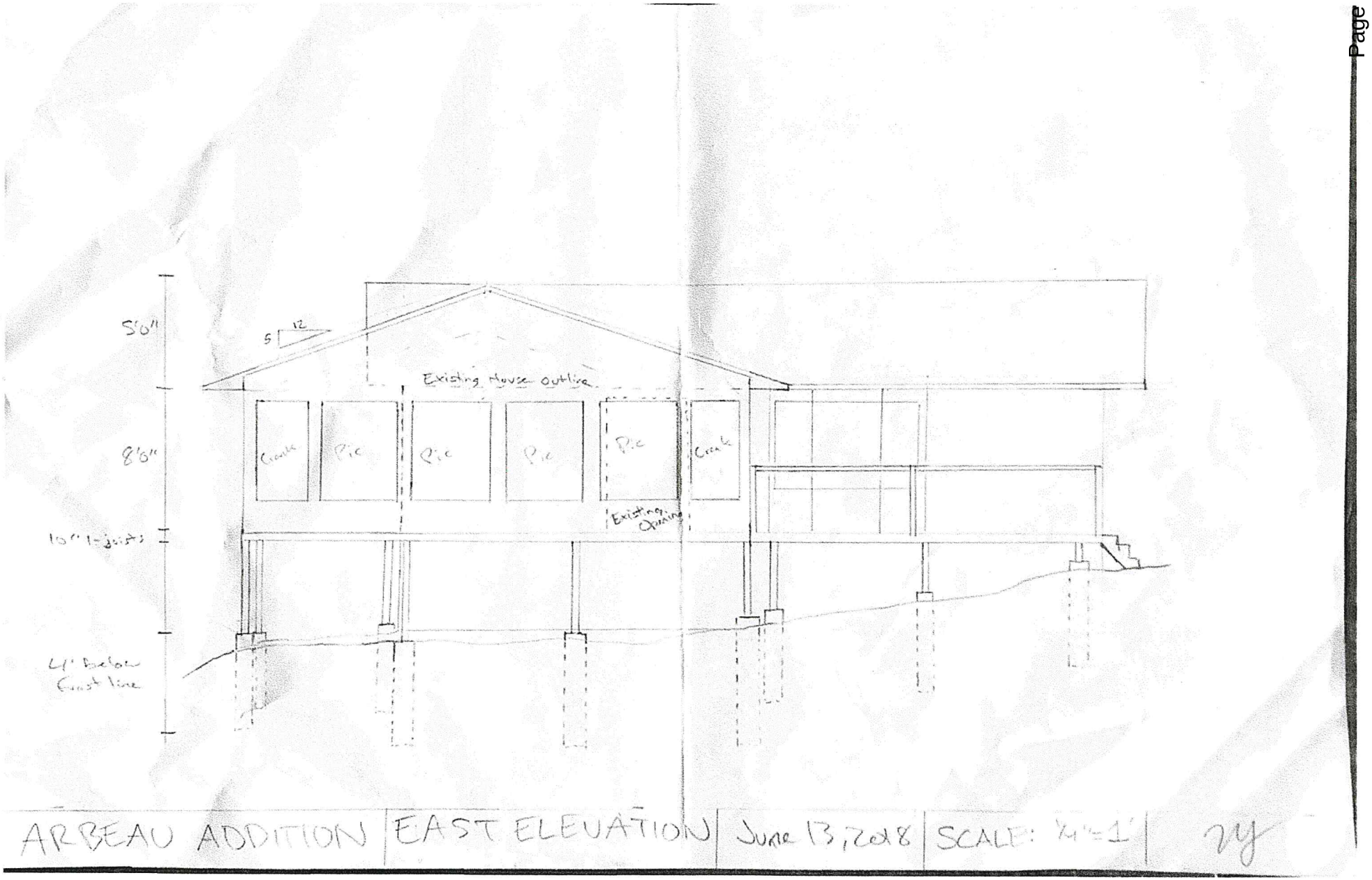
PLOT PLAN FOR

ADDITION





BEAU ADDITION	SOUTH ELEVATION	JUNE 13, 2018	SCALE: 1/4" = 1'	7



ARBEAU ADDITION	EAST ELEVATION	June 13, 2018	SCALE: ¼"=1'	2y

ARBEAU ADDITION | NORTH ELEVATION | June 13, 2018 | SCALE: 1/4"=1'

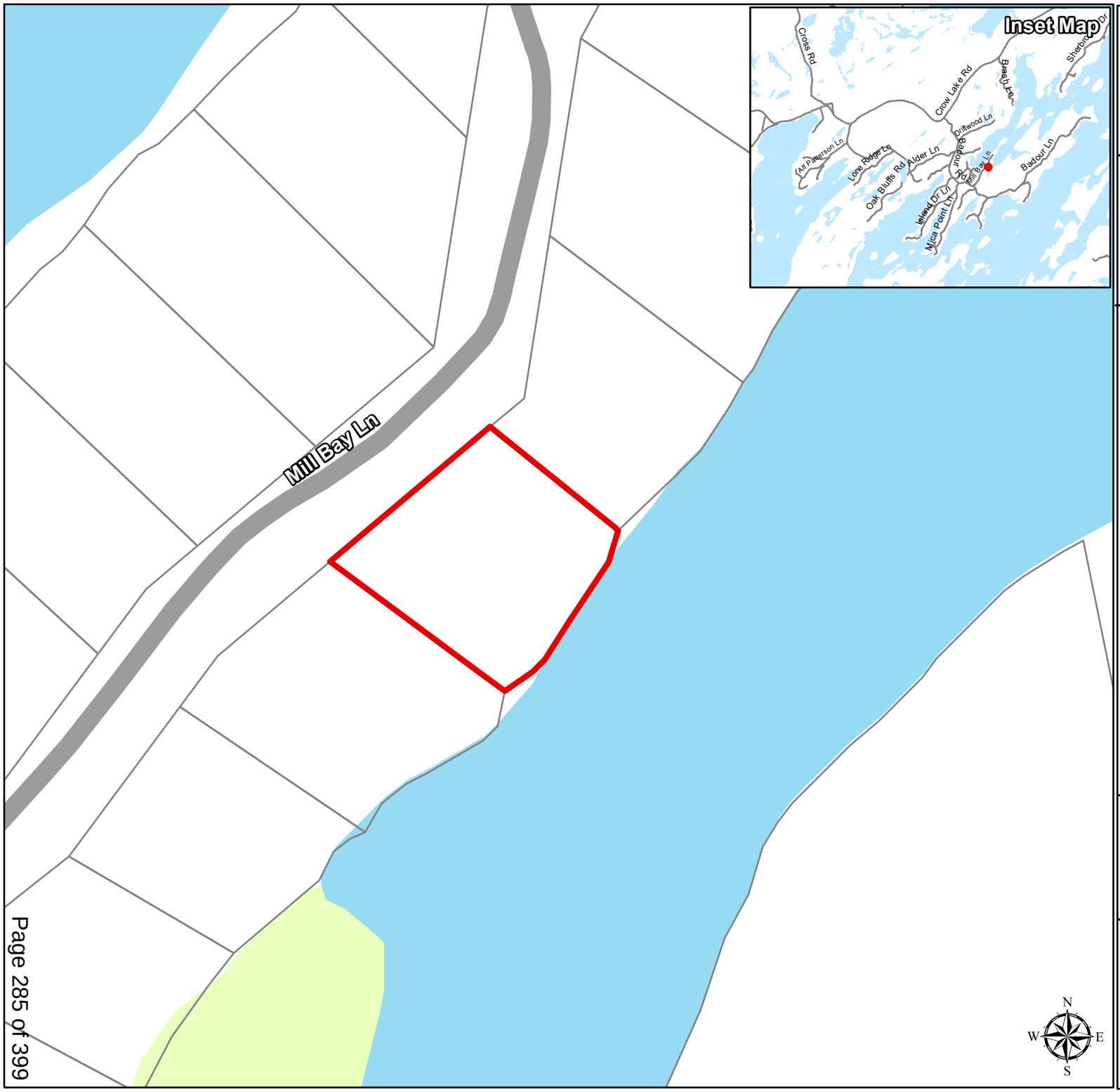
ARBEAU ADDITION

WEST ELEVATION

June 12, 2018

SCALE: 1/4" = 1'

ARBEAU ADDITION
FLOOR PLAN
JUNE 13, 2018
SCALE: 1/4" = 1'-0"
Existing House
Proposed Addition
Proposed Deck
Details:
* All openings shall be min. 2 PLY 2x10
* Exterior walls to be 2x6@16" o.c.
OPEN
BELOW
10'-0"
24'-0"
28'-0"
18'-0"



MV-11-20-B
(Arbeau & Westlake)

98 MILL BAY LANE

Legend

- Arbeau & Westlake 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 1:1,100

0 5 10 20 30 40

Meters

UTM Projection NAD 83

KFL&A Public Health

June 26, 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: Chris Arbeau and Carolyn Westlake
Minor Variance MV-11-20B
Lot 34, Concession 7, Bedford
Township of South Frontenac

KFL&A Public Health will have to defer the above-noted minor variance as we require more information on the sewage system.

Thank you.

Yours truly,

Joanne McGurn, C.P.H.I.(C)
Public Health Inspector

JMcG:ca

cc: Chris Arbeau and Carolyn Westlake

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

June 29, 2020
20-SFR-MVA-0009 (BEDFORD)

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

Attention: Anna Geladi

Subject: **ARBEAU, Chris & WESTLAKE, Carolyn;** Application **MV-11-20-B** – 98 Mill Bay Lane, Part Lot 34, Concession 7; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029030020933300000

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 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 for a minor variance to seek relief from the required 30 metre setback from the normal highwater mark of Bobs Lake to construct a new addition at a setback of 19 metres from the normal highwater mark. The proposed addition is indicated as being 102.2 m^2 and appears to be proposed closer to the normal highwater mark than the existing dwelling setback of 22 metres.

The Property

The subject property is indicated as being approximately 0.189 hectares in area with a water frontage of 41.2 metres. A single-detached dwelling with projecting deck were observed.

A site visit was undertaken at the subject property on June 29, 2020. During this visit, steep slopes were observed in the vicinity of the proposed addition. These slopes were estimated using digital mapping products to be approximately 45%. The soil type in the area appears to be sandy soils and some erosion was observed at the toe of the slope. Efforts to slow the rate of erosion were also observed and the slope was well vegetated. The existing cottage structure is setback approximately 8 metres from the top of the slope.

It was understood following the site visit that the services for the dwelling are located south of the right-of-way and north of the existing dwelling.

A review of our records also reveals that 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.

Regarding Section 3.1, natural hazards, our office is of the opinion that potentially hazardous sites may be present in the form of the existing steep slope. The PPS indicates that development shall generally be directed to areas outside of hazardous lands adjacent to small inland lake systems. The PPS defines hazardous sites to include lands that could be potentially unsafe for development due to naturally occurring processes, such as unstable soils. At this time, information has not been forwarded to our office commenting on whether these hazards actually exist and whether construction of the proposed addition would have an impact on the steep slope.

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 Mill Bay area of the catchment have been rated from “poor” to “good” during the 2006-2017 monitoring period. In the most recent monitoring data, the rating is

indicated as being “fair” from 2015-2017. Total phosphorus and total kjeldahl nitrogen in the 2006-2017 period had average concentrations of mg/l of 0.016 mg/l and 0.439 mg/l, respectively. These aggregated values are below the upper recommended limits for these nutrients and most 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 Mill 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-graded sand at a depth of 75-100 cm on a slope greater than 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)

Township Zoning By-law

The planner also referred to referred to the Township's Zoning By-law. It is noted that section 5.8.2(b) states:

"no building or structure, or septic tank installation including the weeping tile field shall be located….within 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal."

For this reason, the planner recommends that before a decision is made on the application, an opinion be offered from a qualified geotechnical engineer demonstrating the grade of the slope and that there is no geotechnical hazard as a result of any proposed addition to the existing steep slope. Also, before such a study is commissioned, the Township and Committee should determine if they would permit development with a favourable opinion given Section 5.8.2(b) above.

Discussion

Based on the PPS, the observations of the slope, the Township's Official Plan and Zoning By-law, it is the opinion of the planner that not enough information has been forwarded to substantiate construction of the proposed addition.

Also, the planner is of the opinion that if a variance is ultimately approved, proposed structures should be located no closer than the existing dwelling. It may be that the Township considers the deck to be the structure that establishes the legal non-complying water setback. However, in the experience of the planner, decks are normally constructed as projections to the main structure (being the dwelling) and in his experience, the dwelling should establish the extent of the legal non-complying setback.

In addition, a qualified geotechnical professional should offer an opinion on any proposed addition prior to the Committee making a decision. Such an opinion would need to be drafted in keeping with the Ministry of Natural Resources Technical Guide "Understanding Natural Hazards".

During the site visit with the applicant, alternatives to the current proposal were discussed. It may be that a more appropriate proposal could be forwarded which would be able to receive support from the RVCA, however our office cannot support the proposal as received. As indicated to the applicant, the planner remains open to continued discussions about alternative proposals.

Conclusions

In conclusion, The Rideau Valley Conservation Authority recommends that the Committee defer a decision on the subject application as:

- The proposed development is not consistent with Section 3.1 of the PPS as hazardous sites may be present;
- A geotechnical opinion has not been forwarded discussing the slope and making recommendations for construction;
- The proposed development does not appear to be consistent with Section 5.2.7(b)(ii)(3) of the Township's Official Plan as the proposed addition would encroach further into the non-complying setback;
- The proposed development does not appear to conform to Section 5.8.2(b) of the Township's Zoning By-law as it would be located closer to the top of the slope than required.

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 RPP MCIP
Planner

cc – Ms. Westlake & Mr. Arbeau, owners
cc – KFLPHA

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: July 2, 2020

Application No: MV-12-20-P
Owner: Leslie Yateman
Location of Property: Part Lot 7, Concessions 10 & 11, being Parts 1-3 on Plan 13R6322, 2098 Hambly Lane, Hambly Lake, District of Portland, Township of South Frontenac.
Purpose of Application: To vary Section 5.10.2 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: July 9, 2020

Recommendation: That approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose:

___ zoning relief for construction of a new structure

✓ zoning relief for replacement to an existing structure

___ zoning relief other than new construction

___ denied

Official Plan Designation: Rural and Environmental Protection	**Zoning:** Limited Service Residential – Waterfront (RLSW) Zone
Section 5.10.2: Existing Buildings within 30 metres of a Waterbody or Watercourse	**Relief:** To permit the re-construction of a single detached dwelling, on the existing foundation with an increase in height, to be constructed in conformity with the maximum height allowable in the Limited Services Residential – Waterfront (RLSW) Zone.

Review: This application:

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

✓ Conforms with the general intent and purpose of the County of Frontenac Official Plan;

✓ Conforms with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ Is desirable for the appropriate development of the lands in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit the re-construction of the single detached dwelling with a walk-out basement. The dwelling is proposed to be built on the existing foundation with an increase in height to be constructed in conformity with the maximum height allowable in the RLSW - Limited Services Residential - Waterfront zone.

The subject property is located on the west side of Hambly Lane, a private lane which is accessed from Hinchinbrooke Road and is approximately +/-1.06 acres (+/-0.43 hectares) in area with water frontage

on Hambly Lake. The subject property also has three sheds. The first shed (beach shed) is approximately +/-9 metre^2 (+/-98 feet^2), located approximately +/-10.7 metres (+/-35 feet) from the dwelling and approximately +/-3 metres (+/-10 feet) from the high water mark. The remaining two sheds, a tool shed and a tin shed are both approximately +/-5.76 metres^2 (+/-64 feet^2) and located on the east side of the property in the rear yard. The septic bed is located directly to the east of the existing dwelling. The dwelling currently has a deck that is proposed to be removed and not replaced. The topography of the property slopes towards the waterfront. The surrounding area contains existing seasonal and year round dwellings located along the shoreline of Hambly Lake in proximity to this site.

The applicant noted that the original dwelling will be demolished to the foundation and they plan to rebuild on the existing foundation. The foundation is located approximately +/-47 metres (+/-153 feet) from the rear lot line and is set back approximately +/-17 metres (+/-56 feet) from the west interior side lot line and +/-14.3 metres (+/-47 feet) from the east interior side lot line. The dwelling is proposed to be reconstructed at the highwater mark setback that the existing dwelling is currently located, being +/-15.24 metres (+/-50 feet) from Hambly Lake.

The proposed dwelling will be re-constructed with a total floor area of approximately +/-216.5 metres^2 (+/-2330 feet^2), reduced from the previous total floor area of approximately +/-285.4 metres^2 (+/-3073 feet^2) as the basement (walkout) will be reduced in size. The proposed dwelling will be increased in height with the lakeside of the home increasing from +/-6.6 metres (+/-21.6 feet) to +/-9.5 metres (+/-31 feet) and the driveway side increasing from +/-4.2 metres (+/-13.6 feet) to +/-7.5 metres (+/-24.3 feet) as the elevation of the property rises towards the lane. The applicant also noted that storm drainage is provided by weeper and swales and that the increase in height is due to the raising of the ceiling in the walk-out basement and main floor.

Agency Analysis and Public Comments

KFL&A Public Health – KFL&A Public Health notes that the current sewage system is undersized as per the performance review application #LO-31-20. An application to install a new sewage system meeting the requirements of the Ontario Building Code must be submitted to KFL&A Public Health before a building permit is issued. KFL&A has no objection to the proposed minor variance.

Quinte Conservation – Quinte Conservation staff are satisfied that there is sufficient area for development outside the flood hazard provided that the applicants stay on the same. Staff 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 Hambly Lake. Quinte Conservation has no objection to the application as presented.

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

Planning Analysis

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 variance conforms to the general intent of the Official Plan as the proposed reconstruction of a dwelling with a walk-out basement are consistent with the residential use of the property within the Rural Area designation, which contemplates dwellings and accessory buildings on waterfront lots that are accessed by private lane. The intent to re-build the dwelling on the same foundation as the existing dwelling, further conforms to the general intent of the Official Plan as which encourages limited service residential development to be designed as to preserve as much as possible a site's physical attributes.

2. Does the application conform to the general intent and purpose of the Zoning By-law?
    - The variance conforms to the general intent and purpose of the Zoning By-law as the re-construction of the single detached dwelling complies with the renovation of a legal non-complying structure with the exception that it increases in height. The proposed dwelling is

decreasing in gross floor area and the proposed location is not being developed any closer to the highwater mark than the current location.

3. Is the application desirable for the appropriate development of the lands in question?
   - The variance is desirable for the appropriate development of the subject property as the proposed dwelling is being built on the existing foundation and is decreasing the lot coverage for the principal dwelling from 6.7% to 5% which brings the subject property in conformity with the allowed lot coverage for the RLSW zone. There are no immediate neighbours that are affected.

4. Is the application minor?
   - The variance is minor because the proposal seeks to maintain the highwater mark setback given the location of the existing dwelling, well and septic system and does not cause any negative impacts as a result of its size and location on the subject property. The proposed dwelling is being replaced on the existing foundation and will not impact any surrounding neighbours. The lot coverage for the proposed dwelling will be more in line with zoning requirement, meets all zoning provisions regarding setbacks and height.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-15-20-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 the construction of a dwelling with a footprint of 216.5 metres^2 (2330 square feet) to be constructed as per the drawings submitted with MV-12-20-P. A minimum setback of 14.3 metres (47 feet) must be maintained from the highwater mark to the closest portion of the dwelling.

2. A demolition permit shall be obtained for the existing dwelling to the satisfaction of the Chief Building Official.

3. Approval of an application to install a new sewage system meeting the requirements of the Ontario Building Code must be obtained prior to the issuance of a building permit.

4. 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.

5. Minor variance MV-12-20-P 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, Township of South Frontenac

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

Date of Site Visit: June 25, 2020

Attachments: Map of the Yateman property

SUBMITTED APRIL 9, 2020

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.

INCLUDED

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 — INCLUDED
Cataraqui Region Conservation Authority	$400
Quinte Conservation Authority	$341 — INCLUDED
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): LESLIE YATEMAN

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: 11-10 Lot Number: 7

Street Number: 2098 Name of Road/Street: HAMBLY LANE

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

Roll Number: 1029080040174000000

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

Frontage (on water): 102.8 FT Frontage (on road/lane): 25 FT

Depth: 246 FT Area: 1.06 ACHRES

5. The current zoning of the subject land:

SINGLE FAMILY DWELLING

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

- ASKING FOR A BUILDING HEIGHT OF RESIDENCE

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

- TOO CLOSE TO THE 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:

HAMBLY LANE

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

N/A

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

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) BEACH SHED	(2) TOOL SHED	(3) SINGLE FAMILY DWELLING	(4) TIN SHED
Setback from Front Lot Line	15 FT	116 FT	47.4 FT	120 FT
Setback from Rear Lot Line	231 FT	130 FT	153 FT	134 FT
Setback from Side Lot Line	25 FT	26 FT	55.9 FT + 46.8 FT	28 FT
Height of Building (Also indicate if it is one story or two story)	8 FT (one story)	8FT (one story)	LAKESIDE 21.6FT DRIVEWAY 13.6FT (BUNGALOW) (BASEMENT + MAIN FLOOR)	7 FT (1 story)
Dimensions of Floor Area	7 x 14 FT	8x8 FT	OUTSIDE WALLS =3072.41 Sq FT	8x8 FT
Setback from High Water Mark (If applicable)	10 FT	N/A	47.4FT	N/A

13. The proposed uses of the subject land:

RESIDENTIAL, SINGLE FAMILY 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:

Type of Structure (E.g. residence)	(1) HOUSE SINGLE FAMILY DWELLING	(2)	(3)	(4)
Setback from Front Lot Line	47.4 FT			
Setback from Rear Lot Line	153 FT			
Setback from Side Lot Line	55.9 FT 46.8 FT			
Height of Building (Also indicate if it is one story or two story)	LAKESIDE = 30FT 7 INCHES DRIVEWAY = 24 FT 3 INCHES			
Outside Dimensions of Building/Structure	2330 SQ FT			
Setback from High Water Mark (If applicable)	47.4 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 EXISTING HOUSE. TO THE FOUNDATION,
PLAN TO REBUILD ON EXISTING FOUNDATION.
PLANNING TO REDUCE THE BASEMENT SIZE.

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

If yes, please provide details:

RAISING CEILING HEIGHT IN BASEMENT + MAIN FLOOR

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:

BRIAN YATEMAN AUG 1985, LESLIE YATEMAN FEB 2019

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

HOUSE = 1969 PORTABLE/MOVABLE SHEDS = UNKNOWN

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

35 years AUG 2020

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 DRILLED WELL

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

PRIVATE OWNED SEPTIC

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

WEEPER + 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 ☒ 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.

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:

[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.

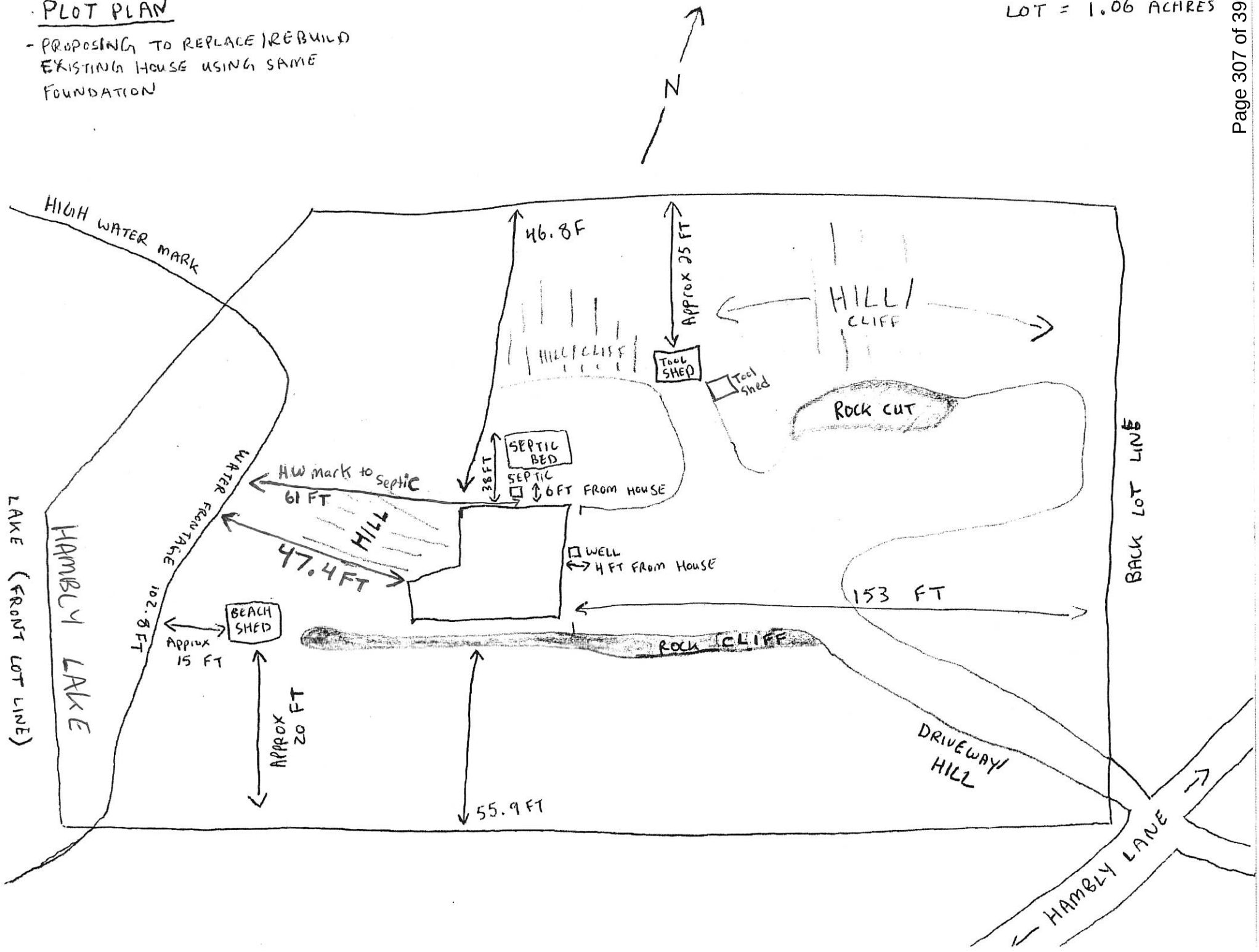
29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

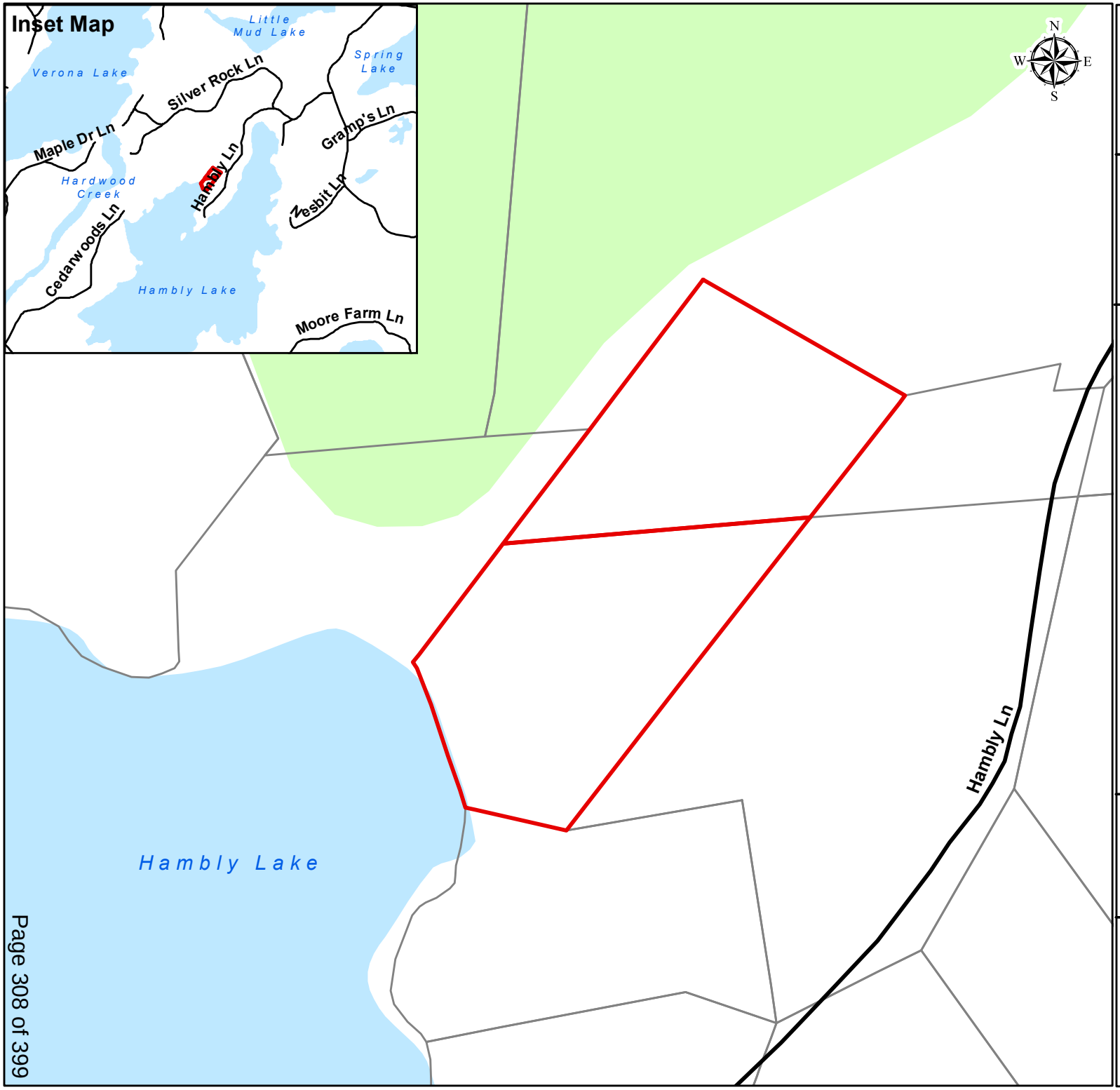
30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

PLOT PLAN

- PROPOSING TO REPLACE/REBUILD EXISTING HOUSE USING SAME FOUNDATION

LOT = 1.06 ACRES





TOWNSHIP OF SOUTH FRONTENAC

YATEMAN
MV-12-20-P

2098 HAMBLY LANE

Legend

- Road
- Subject Property
- Parcel Fabric
- Provincially Significant Wetland
- Waterbody
- Wetland

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 5 10 20 30 40

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-12-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Yateman, Leslie
Location:	Part Lot 7, Concessions 10 & 11; RP # 13R6322 Parts 1 to 3 2098 Hambly Lane; Hambly Lake Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	KFL&A Public Health has no objection to the proposed minor variance. It must be noted that the existing sewage system is undersized as per the performance review application # LO-31-20. An application to install a new sewage system meeting the requirements of the Ontario Building Code must be submitted to KFL&A Public Health before a building permit is issued.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	June 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.

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. PL0127-2020

Municipality:	**Township of South Frontenac**		
Owner	**Leslie Yateman**		
Location:	**2098 Hambly Lane**	**Lot 7, Concession 10**	**Portland**
Roll #:	**1029080040174000000**		
Application Description:	**Minor Variance** File No. MV-12-20-P	**Minor Variance for relief of building height**	
Feature:	**Hambly 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 provided that the applicants stay on the same footprint of the current dwelling and that there is not an increase in square footage. **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 Hambly 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 Hambly Lake. **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.		

Elizabeth Lowe
Planning and Regulations Technician

June 30, 2020
Date

Sharlene Richardson
Regulations Officer

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: July 2, 2020

Application No: MV-15-20-B
Owner: Thomas, Nancy & Caleb Mulder
Location of Property: Part Lot 5, Concession 6, being Parts 8 on Plan 13R4370, 9088 Canoe Lake Road, Kingsford Lake, District of Bedford, Township of South Frontenac
Purpose of Application: To vary Section 5.24.2 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: July 9, 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:** RU - Rural
Zoning Relief Requested:	
Section 5.24.2: Accessory Buildings	**Relief:** To permit the construction of an accessory building (detached garage) in the projected front yard, whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

Review:

This application:

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

✓ Conforms with the general intent and purpose of the County of Frontenac Official Plan;

✓ Conforms with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ Is desirable for the appropriate development of the lands in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit the construction of an accessory building (detached garage) within the projected front yard of the proposed single detached dwelling on the subject property.

The subject property is located on the east side of Canoe Lake Road, south of James Wilson Road, and is municipally known as 9088 Canoe Lake Road. The subject parcel is 4.3 hectares (10.64 acres) and a single detached dwelling is currently under construction. The property is adjacent to Kingsford Lake, with a steep drop off to the wetland below. It is heavily treed, but the driveway and building envelope have been cleared.

The proposed development of the property includes the construction of a new single detached dwelling, septic system and detached garage. The proposed single detached dwelling and associated septic and the detached garage all achieve the required 30 metre setback from high water mark of Kingsford Lake and all other provisions in Section 7 of the Zoning By-Law Rural Zone. Due to the topographical challenges of the site, the detached garage is proposed within the projected front yard of the dwelling.

The proposed detached garage is 111.5 metres^2 (1200 feet^2) in size, a single storey with a height of approximately 5.97 metres (19 feet 6 inches), has a front yard setback of 25 metres (82 feet) to Canoe Lake Road, a side yard setback of more than 30 metres (98.4 feet) to the north property line and is located approximately 50 metres (164 feet) from the high water mark of Kingsford Lake. The garage will be approximately 3 metres (10 feet) from the proposed dwelling.

The Committee dealt with a similar application on this property earlier this year (MV-04-20-B). MV-04-20-B was approved by the Committee and permitted the construction of a garage at a minimum of 36.5 metres (120 feet) from the front property line and Canoe Lake Road. On further review – the contractor realized that the distance provided from Canoe Lake Road on the original minor variance (36.5m/120 feet) is not able to be achieved. Now that they have reviewed the site conditions are proceeding with a new application and are requesting that a detached garage be placed with a front yard setback of 25 metres (82 feet) from Canoe Lake Road.

Agency Analysis and Comments

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

KFL&A Public Health – No development is proposed in proximity to the septic system on the northwest side of the existing dwelling for this minor variance application, therefore KFL&A Public Health was not circulated.

Cataraqui Region Conservation Authority – Given the location and scope of the proposed development, CRCA confirmed that circulation was not required.

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 variance conforms to the general intent and purpose of the Official Plan as the proposed garage is consistent with the residential use of the property, within the Rural Area designation, which contemplates single detached dwellings and accessory structures.

2. Does the application conform to 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 garage complies with the setback requirements of the Rural zone, with the exception that it is proposed within the projected front yard of the subject property. The proposed dwelling and septic system achieve the 30 metre highwater mark setback, which is paramount for the development of this property. The proposed location of the detached garage is adjacent to the proposed driveway which is located on the western side of the property and generally follows the natural topography of the site. There is no opportunity to

locate the proposed garage within the side or rear yard of the proposed dwelling, as that is where the septic system is located and there is a steep slope down to the waterfront.

3. Is the application desirable for the appropriate development of the lands in question?

    - The variance is desirable for the appropriate development of the subject property, as a detached garage is accessory to the proposed single detached dwelling. It is located a suitable distance from the front and side property lines, and meets the setback requirements for a single detached dwelling in the Rural zone.

4. Is the application minor?

    - The variance is minor as it will not cause any negative impacts as a result of its location within the projected front yard. There are no immediate neighbours on the abutting properties. The proposed garage does not exceed the maximum lot coverage for accessory structures and complies with the maximum permitted height of 6 metres (19.7 feet). The garage is setback sufficiently from Canoe Lake Road and is screened from view with existing trees.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-15-20-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 the construction of a one-storey detached garage of 111.5 metres^2 (1200 feet^2) and a single storey with a height of 5.97 metres (19 feet 6 inches), to be constructed to the northwest of the proposed single detached dwelling, as per the drawings submitted with MV-15-20-B. The garage will be located a minimum of 25 metres (82 feet) from the front (west) property line, at least 30 metres (98.4 feet) from the side (north) property line, at least 25 metres (82 feet) from the front property line and Canoe Lake Road and approximately 50 metres (164 feet) from the high water mark of Kingsford Lake.

2. 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.

3. The previous decision of the Committee of Adjustment on MV-04-20-B that applies to 9088 Canoe Lake Road is hereby replaced by the decision on Minor Variance MV-15-20-B.

4. Minor variance MV-15-20-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, Township of Frontenac

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

Date of Site Visit:

Attachments: Map of the Mulder 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-15-20-B

1. Name of Owner(s): Thomas Mulder, Nancy Mulder, Caleb Mulder

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 processing this application for Minor Variance.

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 6 Lot Number: 5

Street Number: 9088 Name of Road/Street: Canoe Lake Road

Reference Plan Number: 13R4370 Part Number(s): _____

Roll Number: 102901005013350

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): 463 M Frontage (on road/lane): 308M

Depth: _____ Area: 10.64 ac

5. The current zoning of the subject land:

RW

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

To permit an accessory building to be constructed in front of the dwelling

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

Preferred build site for house and garage

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

Name of Road/Lane:

Canoe Lake Road

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?

Vacant

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)**	**(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:

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:

Type of Structure (E.g. residence)	**(1)** House	**(2)** Garage	**(3)**	**(4)**
Setback from Front Lot Line	37 Meters	25 Meters		
Setback from Rear Lot Line	40+ Meters	50+ Meters		
Setback from Side Lot Line	40+ Meters	30+ Meters		
Height of Building (Also indicate if it is one story or two story)	24'	19'-6"		
Outside Dimensions of Building/Structure	26' x 36'	30' x 40'		
Setback from High Water Mark (If applicable)	40+ Meters	50+ Meters		

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
(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:

Dec 2019

---

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:

unkown

---

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:

n/a

---

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

Swales to be constructed with buildings

---

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

☐ Yes ☒ No

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

---

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

☑ Yes ☐ No

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

MV-04-20-B Application was approved, but approved setback from road could not be met

---

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.

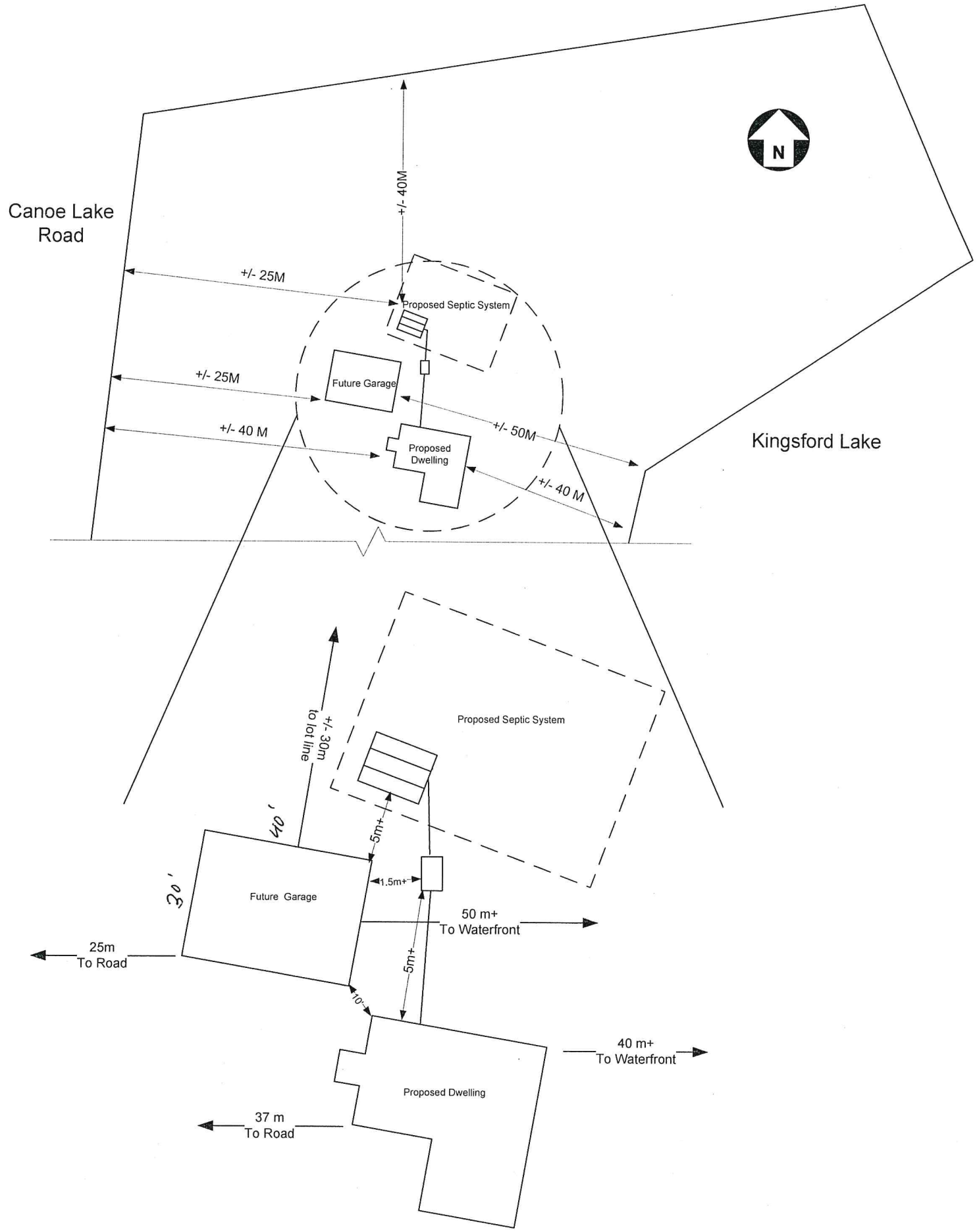
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal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

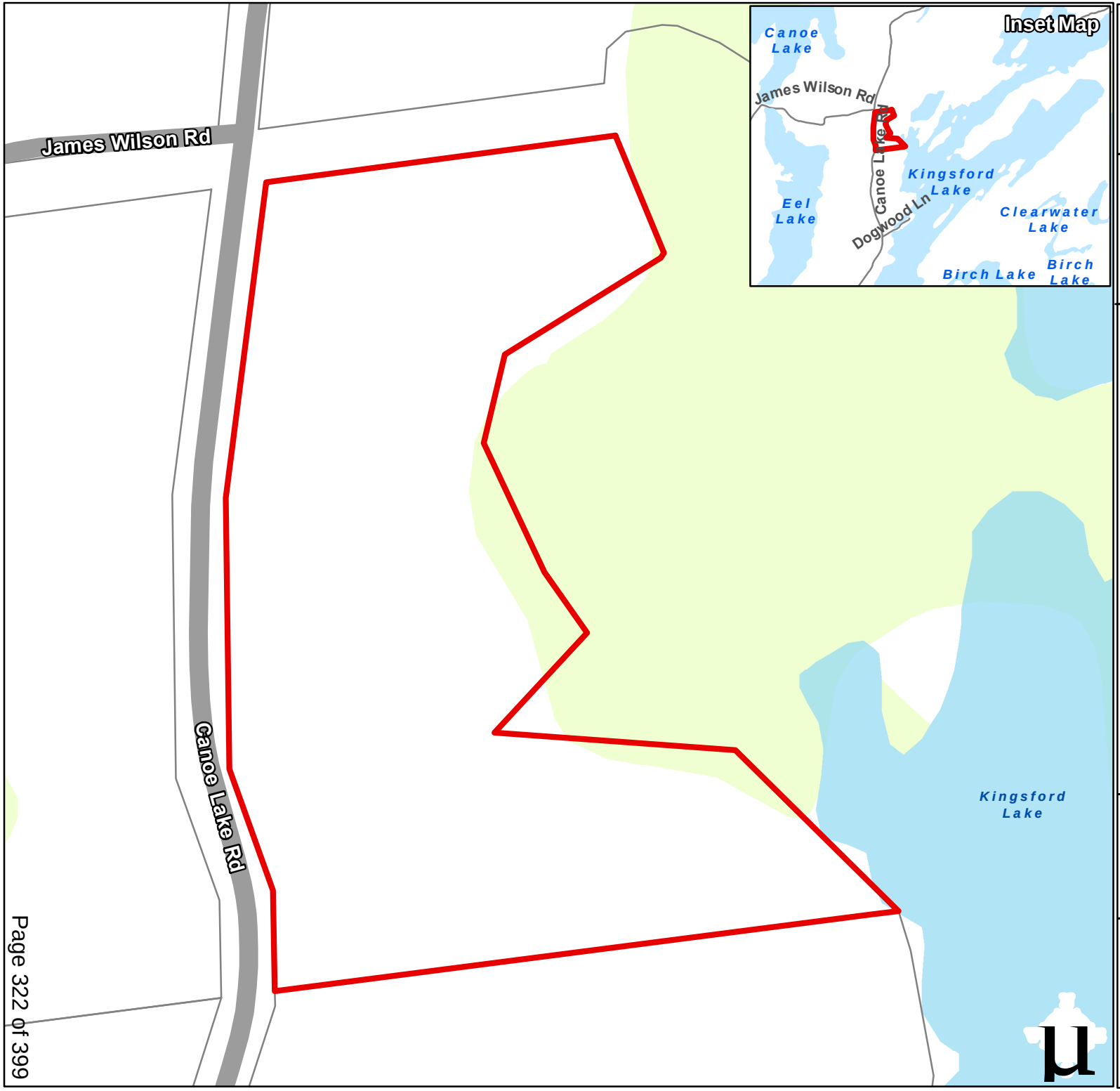
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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


Canoe Lake Road
+/- 40M
N
+/- 25M
Proposed Septic System
+/- 25M
Future Garage
+/- 40 M
+/- 50M
Proposed Dwelling
+/- 40 M
Kingsford Lake
Proposed Septic System
+/- 30m to lot line
40'
5m+
30'
1.5m+
Future Garage
50 m+ To Waterfront
25m To Road
5m+
10'
40 m+ To Waterfront
Proposed Dwelling
37 m To Road



TOWNSHIP OF SOUTH FRONTENAC

MV-15-20-B
MULDER

CANOE LAKE ROAD

Legend

- Mulder Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- Waterbody
- River/ Stream

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 1:2,000

0 5 10 20 30 40

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: July 6, 2020

Application No: MV-16-20-L
Owner: Dianne Lackonick & Greg Cole
Location of Property: Part Lot 8, Concession 9, being Part 4 on Plan 13R15287, District of Loughborough, Township of South Frontenac, municipally known as 1037 Senior Lane, Cronk Lake.
Purpose of Application: To vary Section 5.8.2a, 5.8.2b and 10.3.2 of the Township of South Frontenac Zoning By-law
Date of Hearing: July 9, 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: RU - Rural	**Zoning:** RLSW – Limited Services Residential – Waterfront
Zoning Relief Requested:	
Section 5.8.2a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a new shade structure (screen structure) with a highwater mark setback of 11 metres (36 feet) whereas the By-law requires a 30 metre (9.8 feet) setback from the highwater mark for all buildings and structures.
Section 5.8.2b): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a new shade structure (screen structure) with a top of bank setback of 7 metres (23 feet, whereas the By-law requires 15 metres (49.2 feet) horizontal of the top of bank of any embankment.
Section 10.3.2: RLSW Zone	**Relief:** To permit the construction of a new shade structure with a highwater mark setback of 11 metres (36 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the highwater mark for the accessory building.

Review:

This application:

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

Current Proposal

An application for minor variance has been received, to permit the construction of a shade structure, which requires relief from the highwater mark setback for an accessory building in the RLSW – Limited Services Residential - Waterfront zone as well as relief from the general provisions on Flooding and Shoreline Erosion Hazards. The shade structure would sit on ground oriented wooden patio.

The subject property is located near the end of Senior Lane, off of Gordon Lane, from Bedford Road and is municipally known as 1037 Senior Lane. The parcel is approximately 0.94 acres (0.38 hectares) and contains a seasonal dwelling with a wrap-around deck that is approximately 54.6 metre^2 (587.7 feet^2) in area. This dwelling and deck are setback approximately 5 metres (16 feet) from the highwater mark of Cronk Lake. There are also two existing sheds; a metal shed (+/-7.29 metre^2) and a plastic shed (+/-2.52 metre^2) located on the property each approximately 21.3 metres (70 feet) from the highwater mark. The existing cottage and wrap-around deck as well as both sheds are proposed to be demolished.

The original application was amended to propose a one storey shade structure and ground oriented wooden patio within the footprint of the existing cottage and deck that will be demolished. The proposed shade structure will be 5.2 metres by 5.2 metres (17 feet 4 inches by 17 feet 4 inches) in area and set back at least 11 metres (36 feet) from the highwater mark of Cronk Lake, whereas the existing cottage and deck cover an area that is approximately 12 metres by 11 metres (39 feet by 36 feet) and is located approximately 5 metres from the highwater mark. The shade structure would be set back 7 metres (23 feet) from the top of bank, whereas the existing cottage and deck are set back approximately 1 metre (3 feet) from the top of bank.

The proposed ground oriented wooden patio will be a minimum of 8.5 metres (28 feet) from the highwater mark and a minimum of 4.6 metres (15 feet) from top of bank. The patio will be a maximum of 17 centimetres (7 inches) above grade. The patio will require a building permit since it forms part of the shade structure.

The applicants indicated in their application there are site constraints and existing topography that do not allow enough space for the structure outside of the minimum 30 metre (98.7 feet) setback from the highwater mark. It is also understood from the applicants that they will be constructing a new dwelling on the property in the coming year outside of the minimum 30 metre (98.7 feet) highwater mark setback and will be replacing the septic system at that time. The applicants noted that the exterior wood components of the screen room will be made from rough-cut lumber to naturalize the aesthetic as much as possible. The applicants further noted that the intention is not for this structure to be enclosed by walls as a sleep cabin would be. Rather it is intended to be a screened room. The applicants supplied elevation drawings to show the proposed shade structure and ground oriented wooden patio.

Original Proposal

The original proposal put forth by the applicants involved the construction of the same shade structure and associated patio within the footprint of the existing cottage and deck. However, the shade structure was proposed to be set back 8.2 metres (27 feet) from the highwater mark of Cronk Lake and 3.5 metres from the top of bank. The patio was proposed to be 1 metre (3 feet) from the top of bank.

Agency Analysis and Comments

Public Services Department – The property is located on a lane and therefore, Public Services was not circulated.

KFL&A Public Health – No development is proposed in relation to a septic system, therefore KFL&A Public Health was not circulated.

Cataraqui Conservation – Cataraqui Conservation staff have no objection to the approval of application MV-16-20-L based on their consideration for natural hazard, natural heritage and water quality policies. The applicant will be required to contact Cataraqui Conservation at the building permit stage for more information regarding permitting requirements under 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 flood plain and/or erosion hazard. 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.

Public Comments – At the time of the writing of this report, no 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. 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 amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

- As per Section 5.7.7, limited service residential development is generally located in the Rural area of the Township on a body of water or a natural watercourse where the primary means of access is from a private road or a navigable waterway. Permitted uses include, single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations. Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, and scenic views for the benefit of future residents.

- The proposed variance conforms to the general intent and purpose of the Official Plan, as the proposed shade structure is consistent with the residential use of the property, within the Rural Area designation, which contemplates dwellings and accessory buildings on waterfront lots which are accessed by private lane. The proposed structure is within a disturbed area of the property and at the recommendation of staff has been reduced in its size and pushed farther back to gain an increased setback from the highwater mark than what was originally proposed.

2. Does the application conform to 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 5.8.2b) of the Zoning By-law prohibits development within 15 metres (49.2 feet) horizontal of the top of bank. Section 10.3.2 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront

development including those regulations applicable to accessory buildings not attached to the principal building, which requires that an accessory building be located a minimum of 30 metres (98.4 feet) from the highwater mark.

- The variance conforms to the general intent and purpose of the Zoning By-law as the location of the shade structure (accessory building) is a permitted use and complies with the setback requirements of the Limited Service Residential – Waterfront zone, with the exception that it requires relief from the minimum 30 metres setback from the highwater mark and the top of bank. The applicant is proposing the shade structure to be constructed within the footprint of the existing cottage and deck which are proposed to be demolished. The proposed location is appropriate for the shade structure as there will be no enlargement of floor area and there is already an existing footprint. The proposed location and orientation of the shade structure is practical given the topography of the subject property with significant elevation and grading constraints. The proposed location leaves room for the main access path mitigating impact on the functionality and overall landscape. The location of the shade structure is also being considered in relationship to plans that the applicant has to build a dwelling at a setback beyond 30 metres from the highwater mark. When the lot is redeveloped with a dwelling placed at 30 metres from the highwater mark, there is a limited area to place a shade structure that would maintain a view of the lake beyond 30 metres.

3. Is the application desirable for the appropriate development of the lands in question?

- The variance is desirable for the appropriate development of the subject property, as a shade structure is accessory to the proposed dwelling. It is located on the footprint of the existing cottage which is proposed to be demolished and meets the setback requirements for an accessory building in the Limited Service Residential – Waterfront zone with the exception of the highwater mark and top of bank. The proposed dwelling will be setback beyond the 30 metre highwater mark setback and the footprint of the shade structure and deck is considerably less than the combined footprint of the existing cottage and two sheds that are proposed to be removed from within the 30 metre highwater mark setback. In addition, the proposed shade structure is moved further from the highwater mark by approximately 3 metres than the original proposal and the existing structures. The shade structure has been reduced in size to be more in line with what the Township defines to be a “sleeping cabin” which has a maximum footprint of 27.9 metre^2 (300 feet^2). The shade structure is to be screened in and not have any exterior walls and the exterior wood components will be made of rough-cut lumber to naturalize the aesthetic as much as possible.

4. Is the application minor?

- The variance is minor as the proposed location is reasonable for its purpose, and there will be minimal disturbance to the shoreline as a result of the development. The proposed location is outside of any natural hazard or natural heritage area. The development will not cause any additional negative impacts as a result of its size and location on the subject property, which is located off Senior Lane. There will be no negative impact on surrounding properties as the result of constructing a new shade structure and patio at the proposed location.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-16-20-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 the construction of a shade structure with a maximum ground floor area of 27.9 metres^2 (300 ft^2) , to be constructed with a design and materials substantially consistent with the elevation drawings submitted in support of MV-16-20-L on July 6, 2020, by Wentworth Landscapes. A ground oriented wooden patio consistent with the plans submitted to support MV-16-20-L with a maximum footprint of 27 metres^2 (290 feet^2) set back a minimum of 8.5 metres from the highwater mark. The shade structure will be set back a minimum of 11 metres (36 feet) from the highwater mark of Cronk Lake and set back 7 metres from the top of bank, consistent with the placement shown on the plan submitted in support of MV-16-20-L dated July 6, 2020, prepared by Wentworth Landscapes.

2. A demolition permit be obtained to remove the existing cottage and deck from the property.

3. The existing metal shed and the plastic shed shown on the plan submitted in support of MV-16-20-L dated July 6, 2020, prepared by Wentworth Landscapes, be removed prior to the issuance of a building permit.

4. 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.

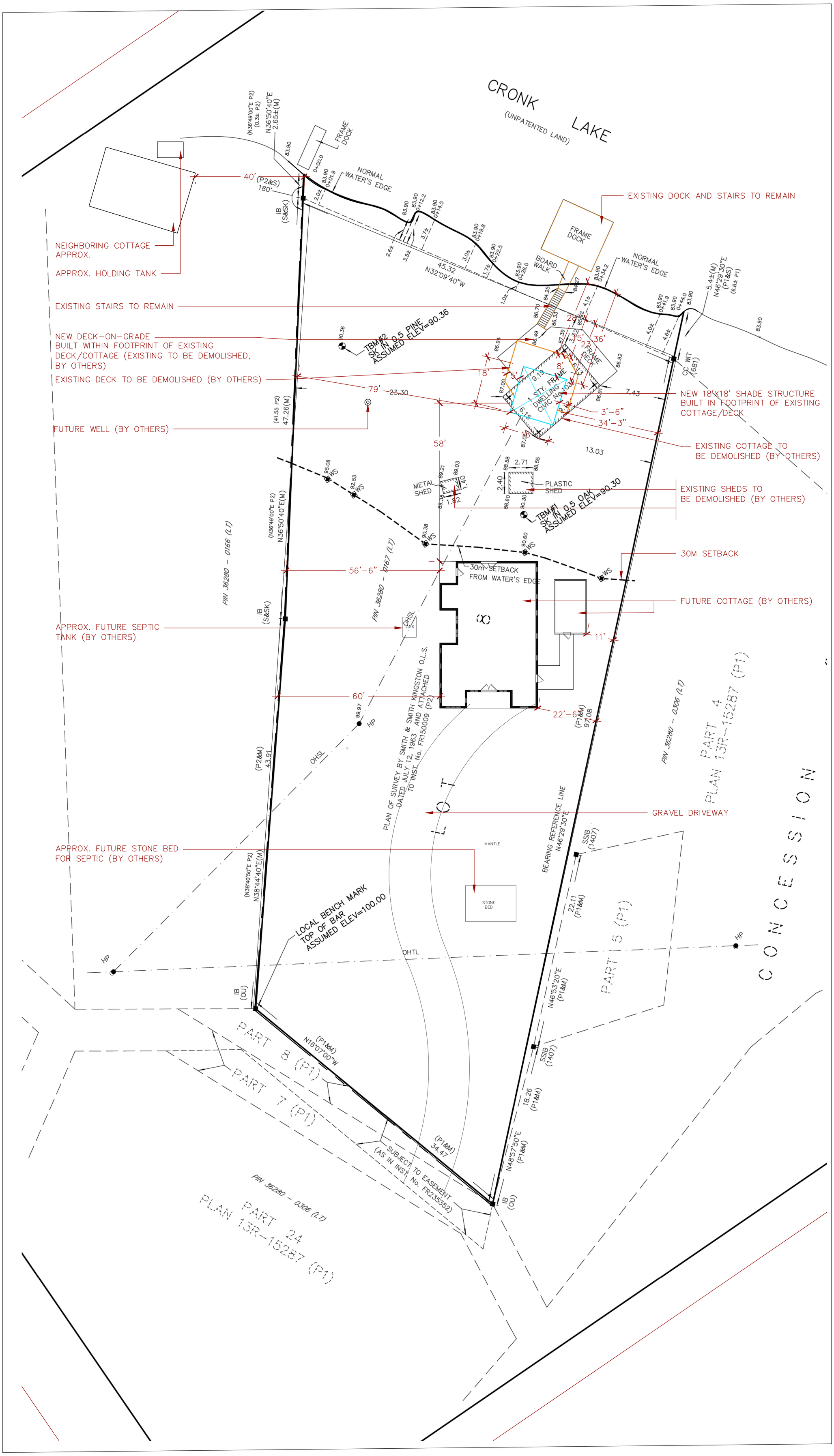
5. Minor variance MV-16-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner, Township of Frontenac

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

Date of Site Visit: June 25, 2020

Attachments: Map of the Lackonick & Cole property



Memberships

Legend

Notes

This design and drawing are the property of The Scott Wentworth Landscape Group Ltd. and are not to be copied or used for construction purposes without the Landscape Architect's express written consent.

The contractor shall check and verify all dimensions and report any discrepancies, error, or omissions to the Landscape Architect prior to commencing work.

No.	Issues and Revisions	Date
4.		
3.		
2.		
1.		June 29th 2020

Project

LACKONICK RESIDENCE

Location

1037 SENIOR LANE
SOUTH FRONTENAC, ON.

Drawing

VARIANCE PLAN

Scale
1/16" = 1-'0"

Date
06-29-2020

Plot Date
06-29-2020

Designed By
CT

Drawn By
CT

Drawing No.
L1

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~~ $1600 paid
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: May 15, 2020 File No: MV-16-20-L

1. Name of Owner(s): Dianne Lackonick & Greg Cole

Full Mailing Address of Owner(s): 605 Fieldstone Dr., Kingston, ON. K7K 0B9

Phone number of Owner(s): 613 546 4906

Email Address of Owner(s): dlackonick@assante.com

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: Cameron Trudeau of Wentworth Landscapes

Full Mailing Address of Authorized Agent: 13392 Loyalist Pkwy Picton, ON. K0K 2T0

Phone number of Authorized Agent: 613 329 2812

Email Address of Authorized Agent: Cameron@wentworthlandscapes.com

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

Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☒ Loughborough ☐ Storrington

Concession Number: 9 Lot Number: 8

Street Number: 1037 Name of Road/Street: Senior Ln.

Reference Plan Number: 13R-15287 Part Number(s): 4

Roll Number: 1029040020261000

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

Frontage (on water): 148.60' Frontage (on road/lane): 113.08'

Depth: 309' Area: .94 Acre.

5. The current zoning of the subject land:

RLSW

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

relief of 30m Shoreline Setback for new Shade Structure., Demolish existing Cottage/deck

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

Site constraints & existing topography do not allow enough space for structure outside of the 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:

Senior 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

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

Type of Structure (E.g. residence)	**(1)** Cottage	**(2)** Shed	**(3)** Shed	**(4)**
Setback from Front Lot Line (water)	25' cottage 16' deck	70'	70'	
Setback from Rear Lot Line	265'	240'	230'	
Setback from Side Lot Line	26'	40'	58'	
Height of Building **(Also indicate if it is one story or two story)**	13' one story	7'	7'	
Dimensions of Floor Area	20' x 30'	9'x9'	6'x4.5'	
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

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)	Shade Structure	Cottage		
Setback from Front Lot Line ('water)	27'	100'		
Setback from Rear Lot Line	280'	165'		
Setback from Side Lot Line	32'	11'		
Height of Building (Also indicate if it is one story or two story)	13' (one story)	1.5 story		
Outside Dimensions of Building/Structure	18' x 18'	36' x 54'		
Setback from High Water Mark (If applicable)	27'	100'		

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 sheds & 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? Shade Structure

(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 2019

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

Nov. 1964

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

to present

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

Currently pumped From lake, Future 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:

Future Septic

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

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 13 DAY OF May, 20 20

I, Duane Lachowski & Gregory Cole OF Kingston, Ontario
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 13th DAY OF May, 20 20

A Commissioner, etc.

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?

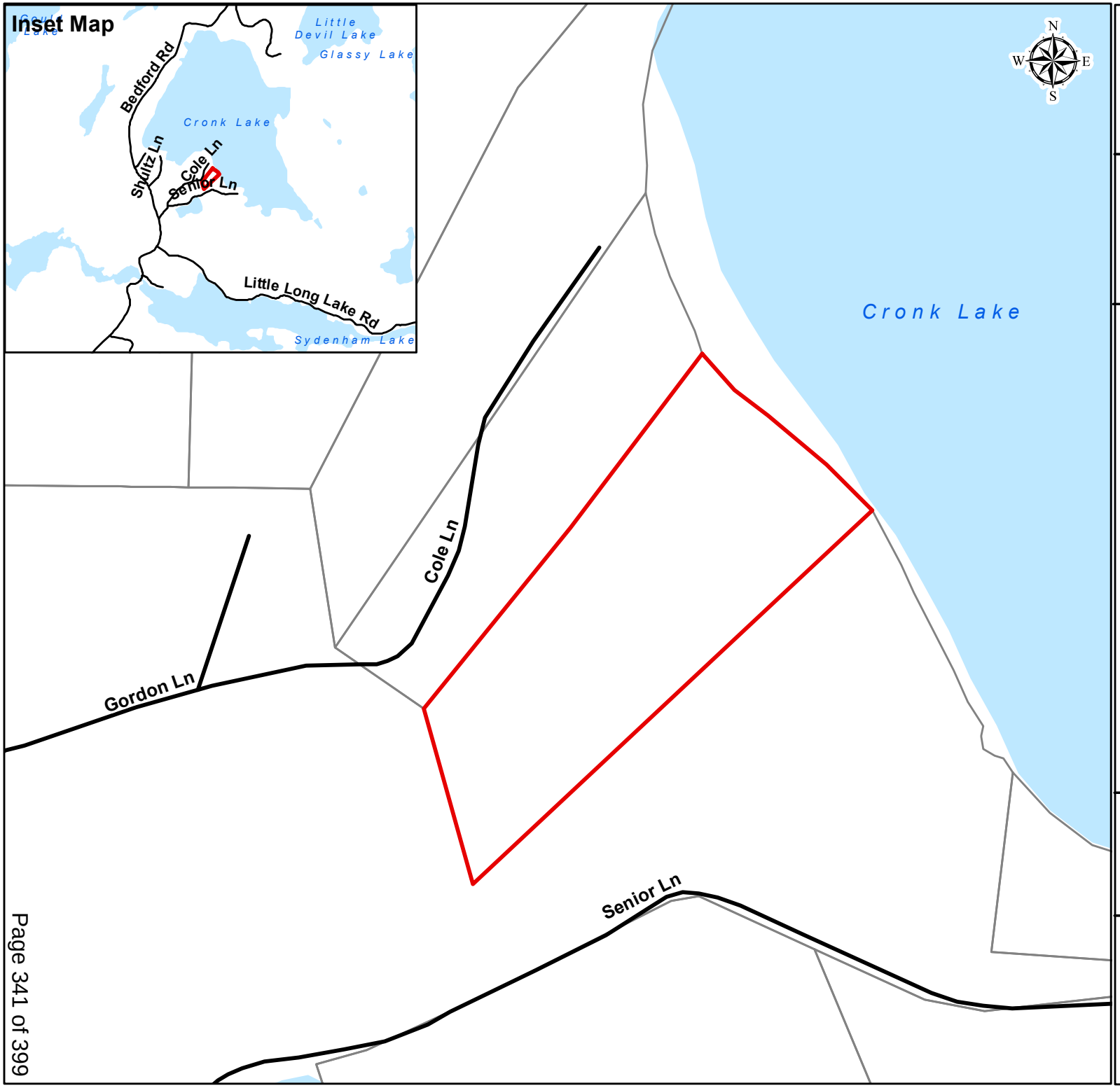
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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.



LACKONIC & COLE
MV-16-20-L

1037 SENIOR LANE

Legend

- Road
- Subject Property
- Parcel Fabric
- Provincially Significant Wetland
- Waterbody
- Wetland

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 5 10 20 30 40

Meters

UTM Projection NAD 83

June 26, 2020 File: MV/FRS/118/2020

Sent by Email

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

Dear Ms. Dodds:

Re: Application for Minor Variance MV-16-20-L (Lackonick / Cole)
Lot 8, Concession 9; 1037 Senior Lane
Loughborough District, Township of South Frontenac
Waterbody: Cronk 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 June 25, 2020.

Summary of Proposal

The proposal involves the construction of a shade structure 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 8.2 metres in order to permit the construction of a shade structure.

Site Description

The property is located on the north side of Senior Lane. The property has water frontage onto Cronk Lake. The topography of the site can be characterized as having a 2 metre high bank adjacent to the lake that flattens out in the location of the proposed shade structure and then continues to rise in a westerly direction away from the lake.

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 associated with the shoreline of Cronk 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 mapping for Cronk Lake. However, due to the difference in elevation between the highwater mark of Cronk Lake and the top of bank, flooding is not expected to occur inland of the top of bank. Therefore, the proposed location for the shade structure is considered to be outside of any area of potential flood risk. Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (see description below) suggest that a 6 metre access allowance is required from a flood plain. Staff note that the proposed structure will be within the 6 metre access allowance from the flood plain. However, since the structure is located outside of the flood plain and it is replacing an existing structure, it is not considered to be aggravating the hazard.

Erosion: Cataraqui Conservation's Environmental Planning Policy (April 2015) 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 3(h):1(v) for till shorelines, plus a 6 metre access allowance. Staff observed no evidence of toe erosion at the site. The bank was estimated to be approximately 2 metres in height which results in a total erosion hazard limit of 12 metres measured from the stable toe of slope. Staff note that the proposed structure will be within the erosion access allowance. However, since the structure is located outside of the stable slope allowance and it is replacing an existing structure, it is not considered to be aggravating the hazard.

Water Quality

Section 5.8.2 (1.) of the Zoning By-Law 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. 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, in this instance, the principal development (i.e. the new cottage) is proposed to be moved back beyond the 30 metre water setback and the footprint of the shade structure will be considerably less than the combined footprints of the existing cottage and the two sheds that are proposed to be removed from within the 30 metre water setback.

Based upon the discussion above, staff consider this proposal to be an improvement to the existing condition and support the application for minor variance.

Recommendation

Staff have no objection to the approval of application MV-16-20-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 flood plain and/or erosion hazard. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. The 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. Ms. Michelle Hannah, Township of South Frontenac (via e-mail)
Dianne Lackonick & Greg Cole, applicants (via e-mail)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: July 2, 2020

Application No: MV-17-20-B
Owner: Martin Fess
Location of Property: Part Lot 23, Concession 5, being Lot 22 on Plan 1661, Bobs Lake, District of Bedford, Township of South Frontenac, municipally known as 810 Sunset Shores Lane
Purpose of Application: To vary Section 5.24.1 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: July 9, 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 Services Residential – Waterfront
Zoning Relief Requested:	
Section 5.24.1: Accessory Buildings	**Relief**: To permit the construction of an accessory building (detached garage) with a footprint of 121.94 metres^2 (1312.6 feet^2), which exceeds the lot coverage of the existing principal building of 85 metres^2 (924 feet^2).

Review:

This application:

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

✓ Conforms with the general intent and purpose of the County of Frontenac Official Plan;

✓ Conforms with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ Is desirable for the appropriate development of the lands in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit the construction of an accessory building (detached garage), which is larger than the existing principal dwelling. The accessory building is proposed to be 121.94 metre^2 (1312.6 feet^2) which exceeds the size of the principal dwelling. The principal dwelling has an area of 85 metre$^{2.}$ (924 feet^2).

The subject property is located on Sunset Shores Lane, off Green Bay Road and is municipally known as 810 Sunset Shores Lane. The subject property is 3.13 acres (1.267 hectares) and contains a seasonal dwelling with a footprint of 85 metres^2 (924 feet^2), which is setback approximately 60 metres from the highwater mark of Green Bay on Bobs Lake.

The proposed detached garage is 121.94 metre^2 (1312.6 feet^2) in size and has a side yard setback of 15 metres (49.2 feet) to the north property line. The proposed location of the garage is in the rear yard to the existing dwelling, approximately 89 metres (291 feet) from the high water mark of Green Bay on Bobs Lake. The detached garage is proposed to be a single storey and is approximately 5.48 metres (18 feet) in height. The proposed height complies with the existing zoning by-law provisions for height of an accessory building. The proposed detached garage is located 3 metres (9.8 feet) both east and west from an embankment and 15 metres (49 feet) from the neighbouring lot line to the north.

The applicant has indicated in their application that the detached garage would facilitate for dry storage for boats and a tractor. The detached garage will not have water or electricity. It is also understood from the applicant that the proposed site of the detached garage is located in a valley. Due to setbacks and site characteristics, the garage should not be visible from Bobs Lake or Sunset Shores Lane. The applicant has also indicated that the garage should not be visible to any other neighboring dwellings.

Agency Analysis and Comments

Public Services Department – The property is located on a lane and therefore, Public Services was not circulated.

KFL&A Public Health – No development is proposed in proximity to the septic system on the northwest side of the existing dwelling for this minor variance application, therefore KFL&A Public Health was not circulated.

Rideau Valley Conservation Authority (RVCA) – Given the location and scope of the proposed development, RVCA 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 application conform to 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 amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

As per Section 5.7.7, limited service residential development is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway. Permitted uses include, single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations. Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.

- The variance conforms to the general intent and purpose of the Official Plan as the proposed detached garage is consistent with the permitted residential use of the property, within the Rural Area designation, which contemplates dwellings and accessory buildings on waterfront

lots which are accessed by private lane. It is located well back from Bobs Lake, outside the setback from the high water mark.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development, including those regulations applicable to accessory buildings not attached to the principal building. Section 5.24.1 of the Zoning By-law details the permitted lot coverage for accessory buildings.

- The variance conforms to the general intent and purpose of the Zoning By-law as the location of the garage (accessory building) is a permitted use on the subject property and complies with the setback requirements of the Limited Service Residential – Waterfront zone, with the exception that it has a larger footprint than the existing principal dwelling. The total lot coverage for the garage is 0.96% and the total lot coverage for the seasonal dwelling on the subject property is 0.64%. Collectively there is less than 2% of lot coverage on the subject property and neither dwelling exceeds the maximum permitted lot coverage of 5% per primary or accessory structures. The proposed location and orientation of the detached garage is practical given it is located in a valley and setback away from the highwater mark.

3. Is the application desirable for the appropriate development of the lands in question?

- The variance is desirable for the appropriate development of the subject property, as a detached garage is accessory to the existing dwelling. It is located a suitable distance from property lines, far exceeding the setback requirements for an accessory structure in the RLSW zone, including the minimum setback from the highwater mark of Bobs Lake. There are no immediate neighbours that are affected. Furthermore, the total lot coverage on the subject property is minor, collectively being less than 2%. The accessory building will store the equipment necessary to maintain the private lane. With these considerations it is reasonable that it is a slightly larger garage.

4. Is the application minor?

- The variance is minor as it will not cause any negative impacts as a result of its size and location on the subject property, which is located on Sunset Shores Lane. It meets all setback requirements and is proposed in a practical location on the property. Furthermore, the existing dwelling has a footprint of 85 metres^2 (924 feet^2) and approximately 0.64% lot coverage, which is significantly less than the allowed maximum of 5% lot coverage for a primary use in the RLSW zone. The proposed detached garage will have a footprint of 121.94 metre^2 (1312.6 feet^2) and approximately 0.96% of lot coverage. The total lot coverage on the subject property is approximately 2%.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-17-20-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 the construction of a one-storey detached garage of approximately 121.94 metre2 (1312.6 feet2), to be constructed to the west of the existing seasonal dwelling, as per the drawings submitted with MV-17-20-B. The garage will be placed in general conformity with the drawings submitted with application MV-17-20-B and shall maintain a distance of approximately 89 metres (292 feet) from the highwater mark of Bobs Lake.

2. A building permit shall be obtained for the accessory structure (detached garage).

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-17-20-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, Township of South Frontenac

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

Date of Site Visit: June 25, 2020

Attachments: Map of the Fess 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-17-20-B

1. Name of Owner(s): Martin Fess and Marianne Fess

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: 23

Street Number: 810 Name of Road/Street: Sunsetshores Lane

Reference Plan Number: 362410278 Part Number(s): #

Roll Number: 1029020020 45142

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

Frontage (on water): 210.2' Frontage (on road/lane): 431.65'

Depth: 609.97' Area: _____

5. The current zoning of the subject land:

Residential

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

The new building will be larger than the existing cottage.

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

N/A

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

Name of Road/Lane:

Sunsetshores 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?

Vacation Home.

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) Residence	(2)	(3)	(4)
Setback from Front Lot Line	38 m			
Setback from Rear Lot Line	66 m			
Setback from Side Lot Line	83 m			
Height of Building (Also indicate if it is one story or two story)	Story + 1/2 18'			
Dimensions of Floor Area	28' x 33'			
Setback from High Water Mark (If applicable)	60m			

13. The proposed uses of the subject land:

Vacation Home

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

☐ Yes ☑ No

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)				
Outside Dimensions of Building/Structure				
Setback from High Water Mark (If applicable)				

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

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

If yes, please provide details:

_____

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:

---

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

☒ Yes ☐ No

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

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Garage			
Setback from Front Lot Line	90 M			
Setback from Rear Lot Line	87.8 M			
Setback from Side Lot Line	15. M			
Height of Building (Also indicate if it is one story or two story)	one story ~~5~~ 5.48 M			
Outside Dimensions of Building/Structure	13.4 X 9.1			
Setback from High Water Mark (If applicable)	89 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.

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:

April 4th 2016

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

2011

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

9 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:

the lake

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

Privately owned septic system

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

N/A

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.

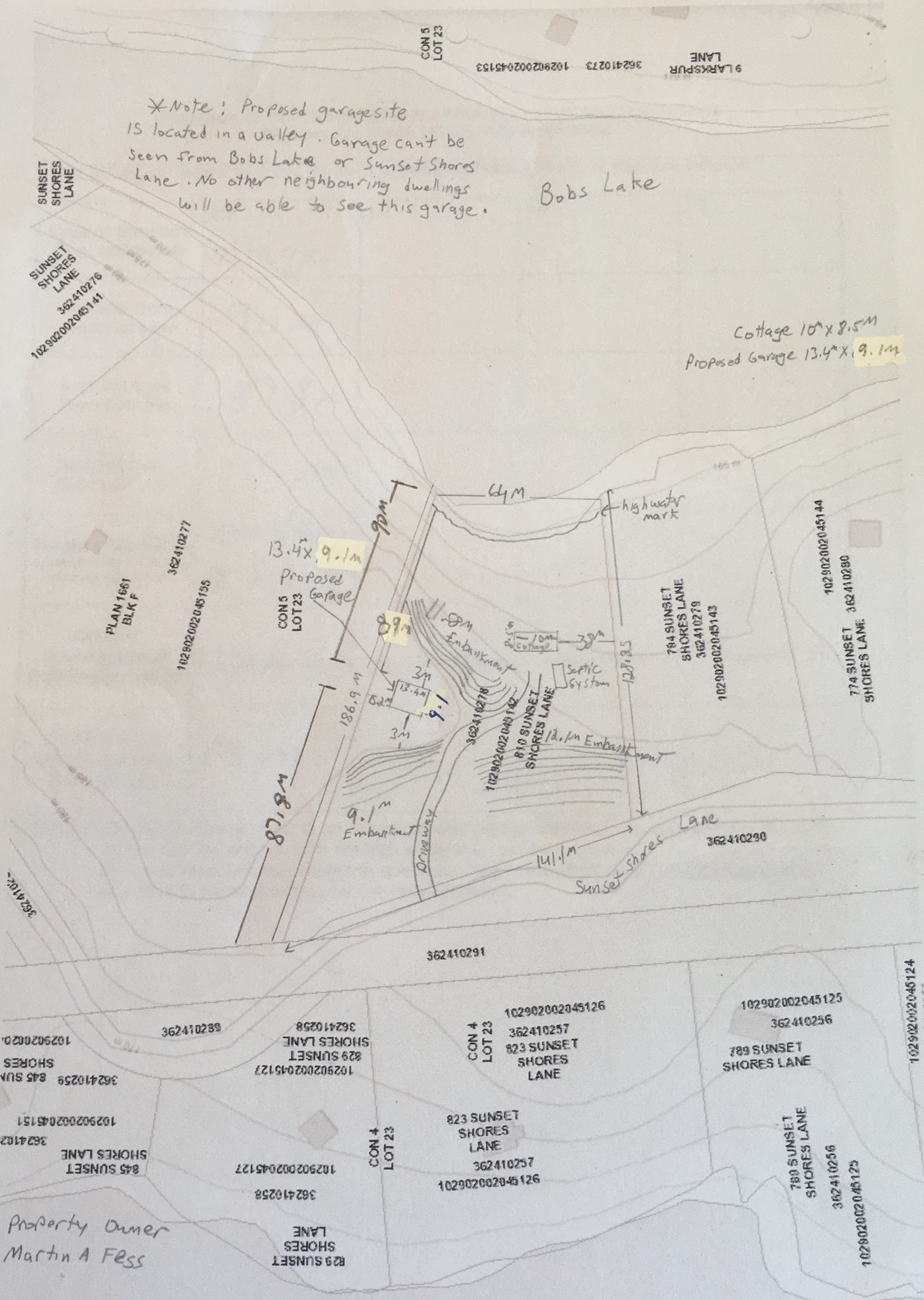
ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

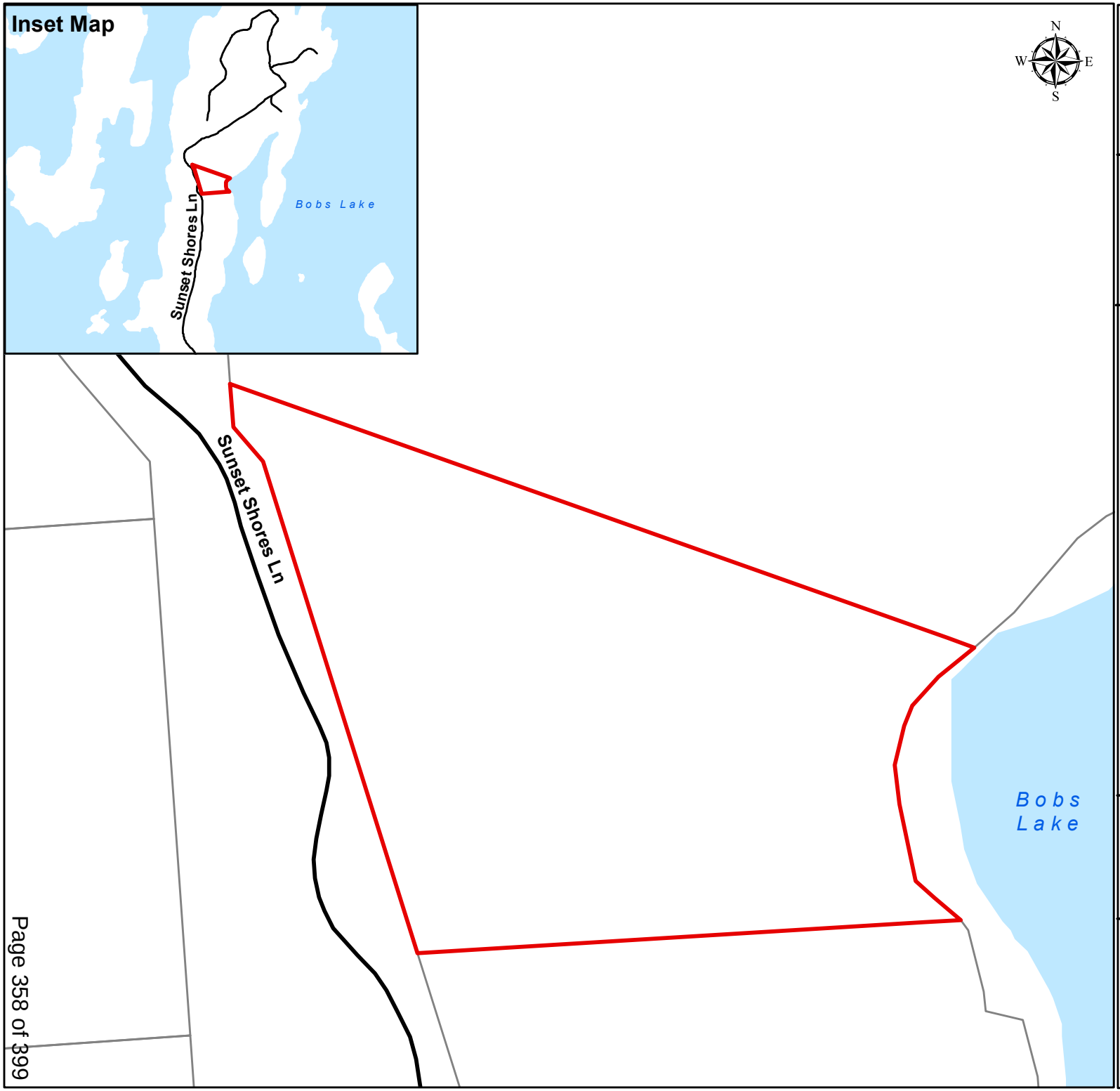
iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

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.


*Note: Proposed garage site is located in a valley. Garage can't be seen from Bobs Lake or Sunset Shores Lane. No other neighbouring dwellings will be able to see this garage.
Bobs Lake
Cottage 10m x 8.5m
Proposed Garage 13.4m x 9.1m
CON 5 LOT 23
9 LARKSPUR LANE
362410273
1029020020451S3
SUNSET SHORES LANE
362410276
1029020020451 41
362410277
1029020020451S5
PLAN 1961 BLK F
13.4m x 9.1m Proposed Garage
44m
high water mark
9.1m
8.9m
1.5m Embankment
1.0m Cottage
3m
13.4m
9.1
186.9m
87.8m
9.1m Embankment
Driveway
141.1m
12.1m Embankment
septic system
784 SUNSET SHORES LANE
362410279
1029020020451 43
774 SUNSET SHORES LANE
362410290
1029020020451 44
810 SUNSET SHORES LANE
362410278
1029020020451 42
362410290
Sunset Shores Lane
362410291
362410289
829 SUNSET SHORES LANE
362410258
1029020020451 27
CON 4 LOT 23
823 SUNSET SHORES LANE
362410257
1029020020451 26
789 SUNSET SHORES LANE
362410256
1029020020451 25
1029020020451 24
845 SUNSET SHORES LANE
362410259
1029020020451 51
Property Owner
Martin A Fess



TOWNSHIP OF SOUTH FRONTENAC

FESS
MV-17-20-B

810 SUNSET SHORES LANE

Legend

- Road
- Subject Property
- Parcel Fabric
- Provincially Significant Wetland
- Waterbody
- Wetland

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 1:1,250

0 5 10 20 30 40

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

PLANNING REPORT – MINOR VARIANCE APPLICATION

Report Date:	July 6, 2020
Application No:	MV-18-20-P
Owners:	Jim & Jen McNeely
Location of Property:	Part of Lot 8, Concession 11, District of Portland, Township of South Frontenac, municipally known as 1124 Storms Lane, Verona Rock Lake
Purpose of Application:	To vary Sections 5.8.2 (a) and 10.3.2 of the Township of South Frontenac Zoning By-law
Date of Hearing:	July 9, 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-18-20-P to receive comments from Quinte Conservation.

Proposal

An application for minor variance was received to permit the construction of a 67 square metre (720 square foot) accessory building (one-storey detached garage) on a 0.3 hectare (0.7 acre) existing lot of record. The proposed setback from the new garage to the highwater mark of Verona Rock Lake is 15 metres (49 feet). The proposed location of the garage is the only location on the lot that would not infringe on the existing power line, septic system and well. The proposed garage would be set back farther from the highwater mark than the existing single detached dwelling.

There are also two storage sheds on the property. The applicants have removed an existing wooden shed that overlaps with the proposed location of the garage.

Submitted by: Christine Woods, MCIP RPP, Senior Planner, Township of South Frontenac

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

Date of Site Visit: June 24, 2020

Attachment: Map of the McNeely property

Complete application June 18, 2020

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

Date Received: June 6th, 2020 File No: MV-18-20-P

1. Name of Owner(s): Jim & Jen McNeely

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: XI Lot Number: 8

Street Number: 1124 Name of Road/Street: Storms Lane

Reference Plan Number: 13R Part Number(s): 2287

Roll Number: _____

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

Frontage (on water): 219' Frontage (on road/lane): Lot is located on a lane. Right of way.

Depth: Irregular 150' 93' Area: Appx 1 acre

5. The current zoning of the subject land:

Residential

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

Permission to build within 30m from high water mark but no closer then the existing dwelling.

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

Only location that isn't infringing on power lines, Septic, hills and well.

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

Name of Road/Lane:

Storms Lane

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

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

Residential

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

☒ Yes ☐ No

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 on hill	(3) Small Shed	(4) Wood storage Shed
Setback from Front Lot Line	37'	105'	60'	80'
Setback from Rear Lot Line	63'	2'	70'	45'
Setback from Side Lot Line	55'	1'	2'	10'
Height of Building (Also indicate if it is one story or two story)	one story 15'	10' one story	7'	8'
Dimensions of Floor Area	1800 square feet	384 square feet	100 Square feet	100 Square feet
Setback from High Water Mark (If applicable)	37'	105'	60'	80'

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)	Garage (one story)			
Setback from Front Lot Line	49'			
Setback from Rear Lot Line	60'			
Setback from Side Lot Line	14'			
Height of Building (Also indicate if it is one story or two story)	19' one story			
Outside Dimensions of Building/Structure	24' x 30'			
Setback from High Water Mark (If applicable)	49'			

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:

Taking down 10'x10' wood storage 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:

June 1, 2001

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

1960's

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

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:

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?

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.

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.

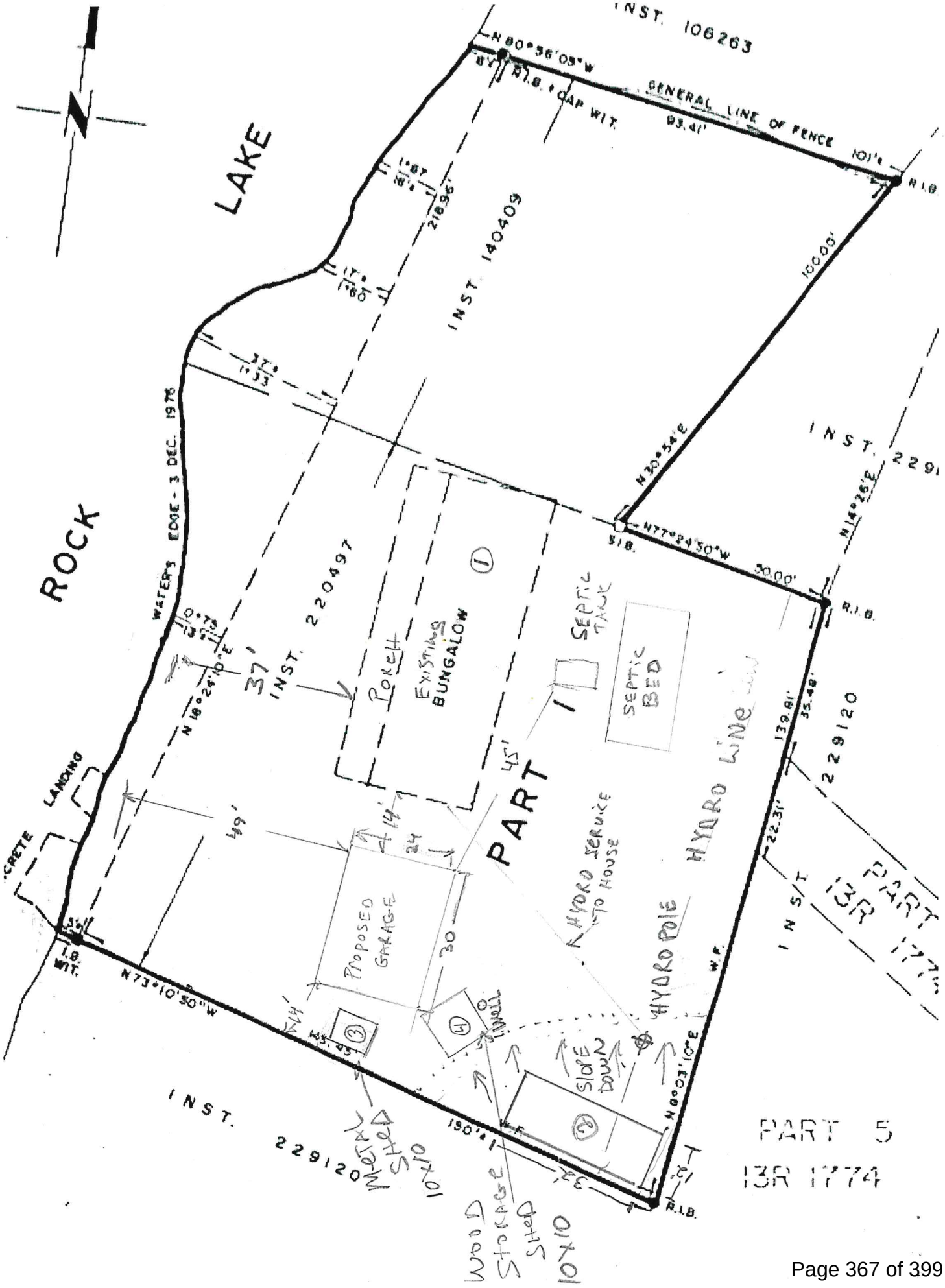
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

[redacted]


INST. 106263
LAKE
ROCK
GENERAL LINE OF FENCE
INST. 140409
INST. 220497
WATER'S EDGE - 3 DEC. 1976
EXISTING BUNGALOW
PORCH
SEPTIC TANK
SEPTIC BED
PART 1
HYDRO LINE
HYDRO SERVICE TO HOUSE
HYDRO POLE
PROPOSED GARAGE
CONCRETE LANDING
SLOPE DOWN
WOOD STORAGE SHED
METAL SHED
INST. 229120
PART 5
13R 1774
Page 367 of 399

ADDRESS: RR # 1 VERONA ONT

CONCESSION: 11 | LOT: 8 PART 1 | ROAD: STUART LANE

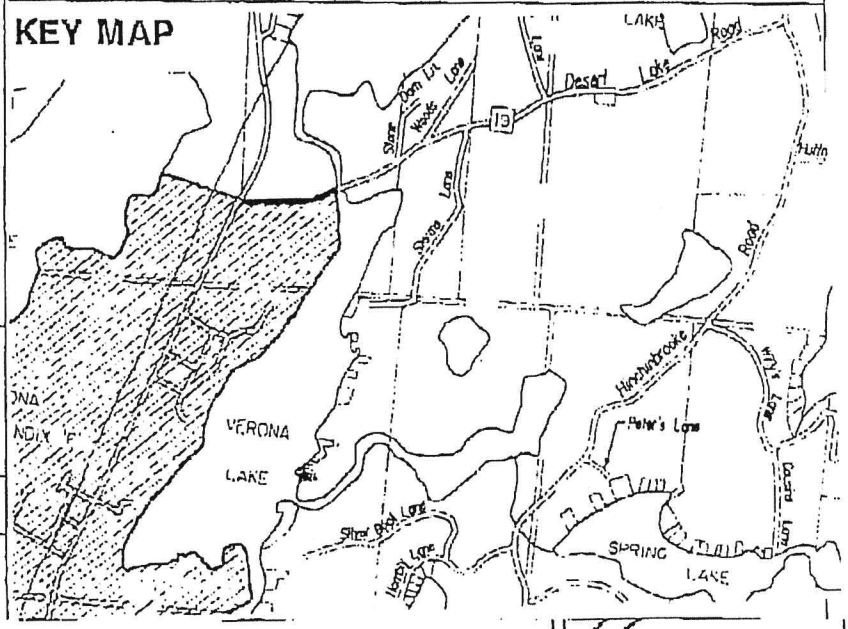
NOTE:
1. On the Key Map show the location of the subject property.
2. Please be accurate in indicating the location of all barns within 1000' of the severed lot

TO BE SEVERED
FILE #
FILE #
FILE #

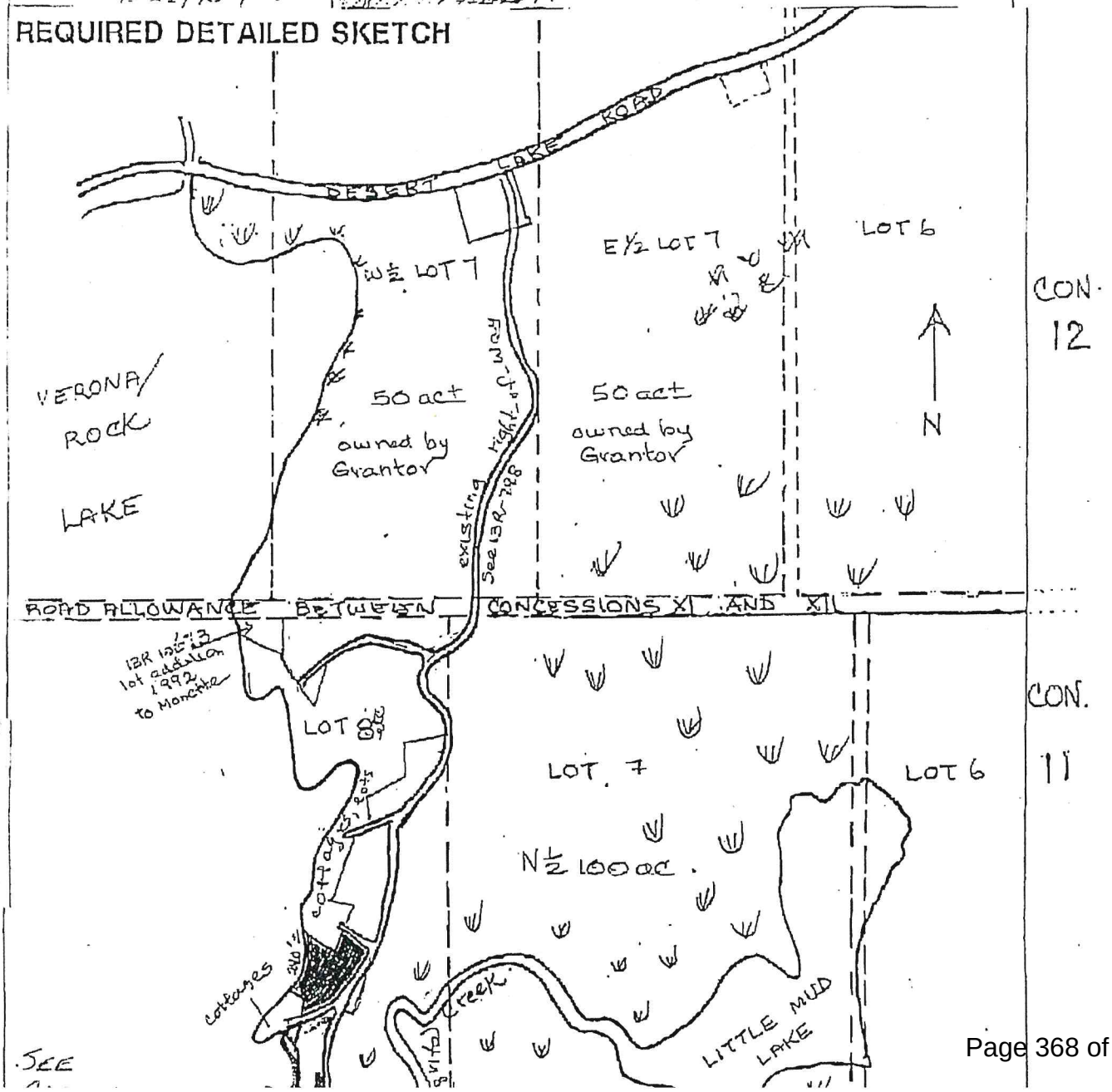
TO BE RETAINED

PREVIOUSLY SEVERED
FILE # B-22/95 P.

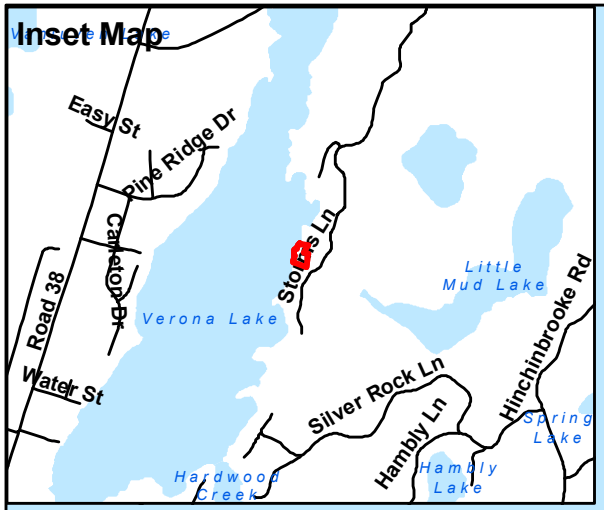
KEY MAP



REQUIRED DETAILED SKETCH



SEE



Verona Lake

Storms Ln

McNEELY
MV-18-20-P

1124 STORMS LANE

Legend

- Road
- Subject Property
- Parcel Fabric
- Provincially Significant Wetland
- Waterbody
- Wetland

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 1:800

0 5 10 20 30 40

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: July 3, 2020

Application No: MV-19-20-L
Owner: Kathy and Bruce McDonald
Location of Property: Part Lot 24, Concession 14, being Parts 1, 2 & 3 on Plan 13R15545, and Part 2 on Plan 13R19077, Buck Lake, District of Loughborough, Township of South Frontenac, municipally known as 1120 Pillar Lane
Purpose of Application: To vary Sections 5.8.2a and 10.3.1 of the Township of South Frontenac Zoning By-law
Date of Hearing: July 9, 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 **Section 10.3.1:** Waterbody Setback, Front Yard and Interior Side Yard	**Relief:** To permit the construction of a new single-detached dwelling with a minimum highwater mark setback of 23 metres (76 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the high water mark for all buildings and structures. **Relief:** To permit the construction of a new single-detached dwelling with • a minimum setback of 23 metres (76 feet) from the high water mark, whereas the By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for the principal building; • a minimum front yard of 23 metres (76 feet), whereas the By-law requires a minimum 30 metre front yard and; • an interior side yard of 1.5 metres (5 feet) to the exterior wrap-around deck attached to the dwelling whereas the By-law requires 3 metres (9.8 feet).

Review:

This application:

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

✓ Conforms with the general intent and purpose of the County of Frontenac Official Plan;

✓ Conforms with the general intent and purpose of the Township of South Frontenac Official Plan;

- ✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);
- ✓ Is desirable for the appropriate development of the lands in question; and
- ✓ Is minor.

Proposal

An application for minor variance has been received to permit the construction of a single detached dwelling with an attached deck, attached garage/cold storage and an attached sunroom on deck posts within the required 30 metre setback from the highwater mark, the required 30 metre front yard, and the required 3 metre interior side yard.

The subject property is located at the end of Pillar Lane, off Norman Lane, off of Perth Road. The property is addressed as 1120 Pillar Lane. The subject property is approximately 1.63 acres (0.66 hectares) and has water frontage on Buck Lake. Buck Lake is a highly sensitive Lake Trout lake.

The topography of the site has a steep embankment at the shoreline and rises less steeply towards Pillar Lane. The subject property contains an existing 250 metre^2 (2,695 feet^2) single detached dwelling with attached garage and deck, a 48.3 metres^2 (520 feet^2) detached garage and a 4.8 metres^2 (52 feet^2) wood shed.

The applicants propose to demolish the existing dwelling with attached garage and deck, and to construct a new dwelling with attached garage and deck in the same general area as the existing building. There is a proposed increase in the floor area and height of the dwelling and garage, an increase in the floor area of the deck, and the addition of a sunroom. A portion of the deck would be covered. The single detached dwelling with attached garage, deck and sunroom will have a gross floor area of approximately 322 metres^2 (3,469.6 feet^2). This proposal would result in 4.9% lot coverage.

The proposed sunroom will be located on the south side of the dwelling. The sunroom will be approximately 24.7 metres^2 (266 feet^2), 5.5 metres (18 feet) from the south lot line and 29.4 metres (96.5 feet) from the highwater mark.

The existing deck is located on the north and the west (waterfront) side of the existing dwelling. The northeast corner of the existing deck and the proposed replacement deck beside the garage is set back a minimum of 1.5 metres (5 feet) from the north lot line. The northwest corner of the proposed deck would be 4 metres from the north lot line due to the orientation of the development relative to this property line.

The existing deck is approximately 24.5 metres (80.4 feet) from the highwater mark. The applicants propose to modify the waterfront deck by removing a 3 foot portion of the northern half of the deck, adding a 4 foot portion at the covered deck, and adding a 2 foot portion to the southern section of the deck. An 11 foot by 13 foot deck would also be added on the south side of the dwelling. The closest section of the proposed deck will be approximately 23 metres (76 feet) from the highwater mark of Buck Lake with other portions being approximately 23.7 metres (78 feet) and 25 metres (83 feet) from the highwater mark.

The applicants propose to make several improvements to their property to offset the waterfront deck encroaching approximately 4 feet farther into the required setback from the highwater mark. The improvements include:

- re-orienting the deck stairway parallel to the deck so that it will be farther from the high water mark,
- removing the concrete patio at grade to reduce impervious surface under the deck, installing French drains or soak away pits,
- preparing and implementing a shoreline planting plan to re-naturalize the land between the deck and the shoreline, and
- installing a new septic system on the south east side of the lot in front of the dwelling.

The applicants submitted a preliminary Environmental Impact Assessment (Ontario Lake Assessment, 09 June 2020) which is supportive of the development proposal subject to remediation recommendations.

Agency Analysis and Comments

Public Services – The property has an existing entrance on a private lane and therefore, Public Services was not circulated.

KFL&A Public Health – KFL&A Public Health received an application to install a new sewage system and have no objections to the proposed minor variance.

Cataraqui Conservation – Cataraqui Conservation staff recognize that, due to lot constraints, there is limited opportunity for all development to meet the 30 metre setback required by the Official Plan. However, they recommend deferral of application MV-19-20-L to allow the applicant to consider alternatives that will meet the intent of the water quality policies, and to remove the portion of the deck that extends towards Buck Lake. Cataraqui Conservation staff cite section 5.2.7 b)(i) of the Township Official Plan which suggests that a minimum 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Also, section 5.2.7 b) ii) 3) which states that "in no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark."

Cataraqui Conservation staff also noted that the proposal is seeking relief to increase the maximum lot coverage provision to 5.6% and provided the opinion that the footprint of the proposed building could be reduced slightly to meet the maximum allowable lot coverage specified in the Zoning By-law. Township staff discussed this comment with Cataraqui Conservation Staff. It was clarified that the proposed lot coverage is just under the 5% allowable lot coverage specified in the Zoning By-law. Lot coverage is no longer a concern to Cataraqui Conservation staff.

Ministry of Environment, Conservation and Parks – Staff at the Ministry of Environment, Conservation and Parks recommend deferral and support the planning opinion and position of the Cataraqui Conservation regarding encroachment concerns to the lake as the "at capacity" status of Buck Lake and the nature of its sensitivity to ongoing nutrient loading and encroachment pressure can result in cumulative impacts to the water quality.

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:

Does the application conform to the general intent and purpose of the Official Plan?

1. 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 amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

   As per Section 5.7.7, limited service residential development is generally located in the Rural area of the Township on a waterbody or a natural watercourse where the primary means of access is from a private road or a navigable waterway. Permitted uses include single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations. Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, and scenic views for the benefit of future residents.

- The proposed minor variance conforms to the general intent and purpose of the Official Plan as the proposed development (reconstruction of single detached dwelling with attached garage, deck and sunroom) is consistent with the permitted residential use of the property, and the character of Pillar Lane.

2. Section 5.2.7 b)(i) Policies for Development and Site Alterations Adjacent to Lakes and Rivers speaks to all lands within 90 metres (295 feet) of the high water mark of all lakes and rivers which are not designated Environmental Protection are included as Environmentally Sensitive Areas. Where development and site alterations are proposed in Environmentally Sensitive Areas, a minimum setback of 30 metres (98.4 feet) from the high water mark shall apply for all buildings and structures. Furthermore, 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 high water; 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 gross floor area for the existing dwelling is approximately 250 metres^2 (2,695 feet^2) which is increasing to 322 metres^2 (3,469.6 feet^2). The lot coverage of the proposal is approximately 4.9%, just under the maximum 5% permitted lot coverage. The proposed dwelling and attached deck would have a setback of approximately 23 metres (76 feet) at the closest point to the high water mark of Buck Lake, whereas the current deck is located approximately 24 metres (80 feet) from the highwater mark. While projecting closer to the lake in one portion, this is off-set by reducing deck in another area. The applicants propose to make improvements to their property to offset the waterfront deck encroaching approximately 4 feet farther into the required setback from the highwater mark. The improvements include:

- re-orienting the deck staircase parallel to the deck so that it will be farther from the highwater mark than the existing staircase,
- removing the concrete patio at grade to reduce impervious surface under the second storey deck, installing French drains or soak away pits,
- preparing and implementing a shoreline planting plan to re-naturalize the land between the deck and the shoreline, and
- installing a new septic system on the south east side of the lot in front of the dwelling.

3. Section 5.2.8 Lake Trout Lakes identifies Buck Lake as a Highly Sensitive Lake Trout Lake. All development or site alterations proposed within 30 metres (98.4 feet) of the high water mark require the submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11. This policy is consistent with Section 5.2.8 (a)(iv) Highly Sensitive Lake Trout Lakes which requires that minor variance applications be accompanied by an Environmental Impact Assessment in accordance with Section 5.2.11.

- The applicant provided a Preliminary Environmental Impact Assessment (EIA) (Ontario Lake Assessments, 09 June 2020) in support of the proposed dwelling, attached elevated wrap-around deck and sunroom. According to the EIA, the majority of the proposed development lays outside the 30 metre buffer with the exception of the covered porch on the lake side, the extension of a portion of the west wall by 0.6 metres (2 feet) and a small portion of the proposed sunroom. The report determined that the proposed new and upgraded septic system is a significant improvement. The report noted that there are no impacts to species at risk as a result of this proposal. The reports notes that although the increase in runoff from the proposed

increase in footprint has the potential to increase the migration rate of nutrients towards the rate, they can be offset by implementing the following recommendations:

- The potential for erosion from increased energy associated with runoff from downspouts can be mitigated by directing downspouts into French Drains or soak way pits.
- Environmentally, this property would benefit from a remediation measure to re-naturalize the area between the lake and the proposed residence (the buffer strip) with native trees and shrubs. In time, these trees will act to intercept and sequester nutrient movement toward the lake into their biomass as well as diminish the urban appearance from the water.
- Appropriate construction methods to prevent erosion of soils and materials way from the building envelope during construction period must be in place.
- All excavation materials excess to the needs of the building and septic system upgrade must be removed from the site and note used as fill downgradient from the building envelope.

The report concludes that the proposed development inclusive of remediation recommendations will not cause any measurable environmental impact on Buck Lake (North Basin).

Does the application conform to 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 high water mark of a waterbody. Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development.

- The intent of the Zoning By-law is to seek to maintain or improve the level of impact regarding nutrient migration and to maintain a shoreline buffer of 30 metres in an effort to preserve water quality of the Township's waterbodies and watercourses. The proposed 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. Due to the location of the septic on the south-east of the dwelling there is no room to push the dwelling further away from the high water mark. 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. Additionally, the applicants are implementing measures to help off-set any negative impacts to the shoreline and to lake water quality including:
  - re-orienting the deck stairway parallel to the deck so that it will be farther from the high water mark,
  - removing the concrete patio at grade to reduce impervious surface under the deck, installing French drains or soak away pits,
  - preparing and implementing a shoreline planting plan to re-naturalize the land between the deck and the shoreline, and
  - installing a new septic system on the south east side of the lot in front of the dwelling.

- Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development, which requires that building setbacks be a minimum of 3 metres (9.8 feet) from interior side lot lines. The reduction of one of the interior side lot lines to 1.5 metres (5 feet) conforms to the general intent and purpose of the Zoning Bylaw as the placement of the wrap-around deck that connects to the house is being built in the same location of the existing deck. A setback of 1.5 metres (5 feet) continues to allow for access to the structure for maintenance purposes. Due to the location of the septic on the south-east of the dwelling there is little room to push the house further away from the northern lot line. In addition, the lot lines are angled where the dwelling needs a variance of 1.5 metres (5 feet) towards the north east however towards the end of the deck near the north west lot line the distance between the deck and the north west lot line is greater than 3 metres (9.8 feet).

Is the application desirable for the appropriate development of the lands 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 proposed dwelling is located in the same general footprint as the existing dwelling. Given that the septic is located between the dwelling and the private lane, there is no opportunity to improve the setback from the high water mark of the dwelling that extends past the existing footprint. The applicants are implementing measures to help off-set any negative impacts to the shoreline and to lake water quality. These measures are listed above.

Is the application minor?

- The variances are minor, as there will be no negative impact on surrounding properties as a result of constructing a single detached dwelling at the proposed location on the property. The proposed detached dwelling is in a reasonable location for its purpose and the reduction in distance to the high water mark has been offset with the removal of an existing portions of the deck and other mitigating factors described above.

Conclusion

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-09-20-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 the construction of a 322 metre^2 (3,469.6 feet^2) singled detached dwelling with attached garage, deck and sunroom (all included in the aforementioned dimensions). The covered portion of the deck shall be located no closer than 23 metres from the high water mark of Buck Lake, with a maximum area of 252 metre^2 (2,713 feet^2) as per the drawings submitted with MV-09-20-L. The remaining portion of the attached deck will have a minimum setback of 23.7 metres (78 feet) from the highwater mark, a minimum front yard setback of 23.7 metres (78 feet) and a minimum northern interior side yard of 1.5 metres (5 feet) as per the drawings submitted with MV-09-20-L, 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. A shoreline remediation plan to be prepared for the waterfront on Buck Lake to minimize nutrient run-off and facilitate the natural revegetation. The shoreline remediation plan shall be reviewed by the Township, in consultation with the Conservation Authority, prior to the completion of final inspection under the Ontario Building Code.
    b. Removal of the concrete patio which runs the length of the cottage underneath the deck and replacement with a more porous material such as gravel or paving stones.
    c. Directing downspouts into French Drains or soak way pits.
    d. Appropriate construction methods to prevent erosion of soils and materials way from the building envelope during construction period must be in place.
    e. All excavation materials excess to the needs of the building and septic system upgrade must be removed from the site and not used as fill downgradient from the building envelope.

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-09-20-L is applicable only to Township of South Frontenac Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner, Township of South Frontenac

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

Date of Site Visit: June 25, 2020

Attachments: Map of the McDonald property

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

Date Received: June 10, 2020 File No: MV-19-20-L

1. Name of Owner(s): *Gordon Bruce McDonald & Kathryn Margaret McDonald*

   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* Lot Number: *24*

   Street Number: *1120* Name of Road/Street: *Pillar Lane*

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

   Roll Number: *040-040-27900-0000*

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

Frontage (on water):_____ *95* _____ Frontage (on road/lane): _____ *Unique* _____

Depth: _____*North 185', South 208'* _____ Area: ___ *~71,000 sq. ft. (1.63 acres)* _____

5. The current zoning of the subject land:

_____ *RSLW* _____

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

The majority of the existing residential structure is currently outside of the 30 m setback from the high water mark and was previously approved through a 30+ year old minor variance. In order for us to create a one story open concept residential structure, the existing structure and previous addition will be completely demolished and a new residence constructed because the current structure cannot be easily or cost effectively altered. The majority of the proposed new residential building will be outside of the 30 m setback from the water with only a small portion within. The residence cannot move further from the lake due to the location of the septic system and well locations, plus rock outcrops & roadway.

Summary of relief requested:

1) *Set back from the water to the front edge of the deck at 76 feet.*
2) *Set back from the water to the new residence at 88 feet.*
3) *Reduction of the setback from the north side lot line to 8 feet for the building*
4) *Reduction of the setback from the north side lot line to 4 feet for the walkway*
5) *Allowance to increase the height of previous residence by 8 feet to accommodate the increase in the main floor elevation, main floor ceiling height and change in roof pitch for the single story residence with walkout basement.*

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

Due to the unique building lot configuration on Canadian shield outcrops; the current septic system location & drilled well location along with the privately maintained access roadway, the proposed modification of the residential structure cannot be setback any further from the high water mark.

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

Name of Road/Lane:

_____ *Pillar Lane* _____

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

_____

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

_____ *Residential* _____

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) Residence	(2) Deck/Walkway	(3) Double Garage	(4) Wood Shed
Setback from Front Lot Line	**90' 3"**	**80' 3" Deck Stairs ~ 73'**	**~150'**	**~110'**
Setback from Rear Lot Line	**~165'**	**~170'**	**~75'**	
Setback from Side Lot Line	**31' S / 9'11" N**	**~30' S / ~5' N**	**~25' S / ~48' N**	**2.8' S**
Height of Building (Also indicate if it is one story or two story) clarity has been	One Story w/ walkout basement **~26' - Att Garage ~24.5' Bldg**		**15'**	**10'**
Dimensions of Floor Area	Bldg. - **35' x 28'** - **20' x 25.5'** Crawlspace 6' x 21' Garage **14' x 21'** (*see sketch #1*)	Deck - **52' x 10'** Walkway - **51' x 5'** - **3' x 5'** (*see sketch #1*)	**~20' x 26'**	**6.5' x 8'**
Setback from High Water Mark (If applicable)	**90' 3"**	**Deck 80' 3" Stairs ~ 73'**	**~150'**	**~110'**

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:

Type of Structure (E.g. residence)	(1) Residence	(2) Deck	(3) Garage	(4) Wood Shed
Setback from Front Lot Line	**88' 3"**	**76' 3"**	**No Change**	**No Change**
Setback from Rear Lot Line	**161'**	**170'**		
Setback from Side Lot Line	**18' S / 9' 5' N**	**20' S / ~5' N**		
Height of Building (Also indicate if it is one story or two story)	One Story w/ Walkout basement ~ 34' Bldg & Gar			
Outside Dimensions of Building/Structure (*see sketch #2*)	**Bldg. - 30' x 28'** **Bldg. - 25' x 27.5'** **Bldg. - 11 x 2.5'** **Garage - 14' x 25'** **Entrance – 18' x 16.5'** **Sunroom – 14' x 19'**	**Deck – 18' x 14'** **- 13' x 12'** **New - - 11' x 13'** **Walkway - 52'x 5'** **- 25'x 5'**		
Note - * some exterior brickwork might affect may dimension by ~ 4" (exterior design not complete)				
Setback from High Water Mark (If applicable)	**88' 3"**	**76' 3"** Stairs – 76' 3"		

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:
Current structure to be demolished except for any existing footings that can be reused.

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 (sinks)	☐ No
(c)	Increase in living space	☒ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☒ No

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

August 2016

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

Estimated to be around 1987 with an addition in 1992

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

Approx. 32 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:

On site 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:

On site private septic system installed Aug. 1987 Application # LO-68-92 & LO-23-87 to be replaced as per discussions with the Health Unit

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

No – natural drainage exists

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.

*_Application # A-5/87 Date of Hearing March 10, 1987 - 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 in the amount of $747.00 representing payment of the application fee.

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

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

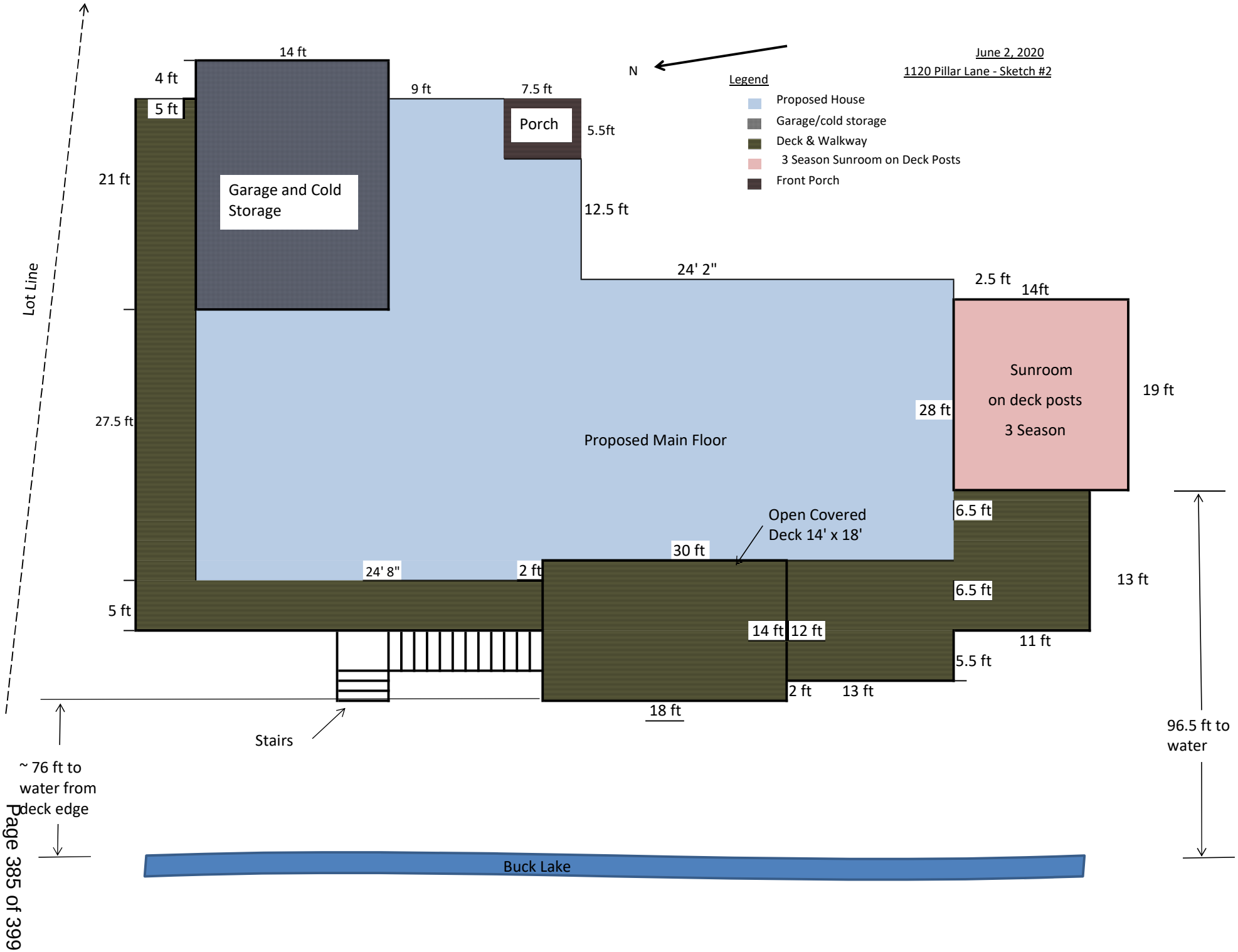
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]


June 2, 2020
1120 Pillar Lane - Sketch #2
N
Legend
Proposed House
Garage/cold storage
Deck & Walkway
3 Season Sunroom on Deck Posts
Front Porch
Lot Line
14 ft
4 ft
5 ft
9 ft
7.5 ft
Porch
5.5ft
21 ft
Garage and Cold Storage
12.5 ft
24' 2"
2.5 ft
14ft
Sunroom
on deck posts
3 Season
19 ft
27.5 ft
28 ft
Proposed Main Floor
6.5 ft
Open Covered
Deck 14' x 18'
30 ft
24' 8"
2 ft
13 ft
6.5 ft
5 ft
14 ft
12 ft
11 ft
5.5 ft
2 ft
13 ft
18 ft
Stairs
~ 76 ft to
water from
deck edge
96.5 ft to
water
Buck Lake

Ontario Lake Assessments
& Environmental Education Services

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

09 June 2020

Kathy and Bruce McDonald
1120 Pillar Lane
PERTH ROAD, Ontario
K0H 2L0

REGARDS: Preliminary EIA for Demolition and Reconstruction of a Residence at 1120 Pillar Lane, South Frontenac Township, Part Lots 23 and 24; Concession 14, Loughborough District – Buck Lake (North Basin)

Dear Kathy and Bruce McDonald:

Thank you for joining me on a site visit at the above location on November 29, 2019. At the time of the site visit the snow that had fallen the weeks prior had melted such that the ground and all surfaces were clear and easily observed.

This property is located on the east shoreline of Buck Lake (North Basin); the lake is designated 'at capacity' by the Ministry of Environment Conservation and Parks (MOECP) and as such protective measures are included in the South Frontenac Township 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 Buck Lake and in addition the habitats of species at risk (SAR). The SAR locally are Blanding's turtles, map turtles and the habitats for gray rat snakes. The protective measures in the OP and Zoning By-Law 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, lawns and hardened surfaces like rooftops, patios, decks and driveways. Hardened surfaces act to increase runoff and create downgradient erosion. The removal of trees and understory 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.

Nutrients that reach the lake result in the growth of more algae (phytoplankton), which under severe conditions can impact lake trout habitat by way of oxygen loss during the warm summer period. By way of in-situ water quality monitoring and lake modelling, Buck Lake has been determined to be highly sensitive to oxygen loss as a result and that determines the 'at capacity' designation.

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 applications, 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.

.... 2

Site Observations: This site is a heavily impacted lot with respect to development near the shoreline. The front of the existing cottage, inclusive of a large deck, is 24.4m ± (80 ft) from the water; the all season residence has an elevated wrap-around deck on the north and west sides. The area between the front wall of the permanent residence and the lake consists of decks and a wooden retaining wall (in front of the deck) and a set of wooden stairs that descend downslope to a challenging access to the dock. Beneath the elevated deck on the west (lake) side is a poured concrete patio/slab with access into the walkout basement. A second deck sits in front of the patio/slab and extends beyond the elevated deck towards the lake that accommodates a hot tub.

While about a dozen mature trees (various species) remain in the 25± m downgradient buffer strip between the existing decks and the lake, the entire understory has been removed and replaced with grass. The removal of the shrubs and understory increases the erosion potential and decreases the opportunity to sequester and retain nutrients in the biomass of the buffer strip. Additionally, this activity contributes to the urbanization appearance of lakefronts. The buffer strips downgradient on the developed properties that exist on both the north side and south sides are mostly left natural and are impacted to a much lesser degree.

An existing detached garage exists to the east side of the residence. Wooden retaining walls extend the width of the property between the parking area and the residence, these support the parking area and flower gardens. A KFLA Health Unit approved septic system (1987-tank and bed) is located between the retaining wall and the residence. All of these amenities are beyond the 30m buffer.

The main floor level is 1914 ft^2 in size (inclusive of the crawl space) near the front entrance and inclusive of the attached garage. There is a full walk-out basement below this with exception of the crawl space area. The attached wrap around decks (north and west sides) total 790 ft^2 in area (inclusive of a portion of stairs leading down to ground level); it does not include the ground level deck area associated with the hot tub.

In addition to the site observations, I have reviewed the following materials you provided me on June 4, 2020:

- Diagram – Existing Residence with Garage and Decks (sketch #1)
- Diagram – Proposed Residence with Additions (to decks, garage, sunroom, living space)
- Diagram – Hopkins and Chitty Lot Survey (May 21st, 2020)
- Diagram - Plot Plan including septic location

This EIA and the following comments negate the previous correspondence dated December 28, 2019.

The Proposal: The proposal is to demolish and completely remove the existing residence and rebuild on approximately the same footprint with the exception of increases in square footage of the decks, an increase in the size of the attached garage, an increase in the square footage of the living space in the form of a new sunroom as an extension on the south side, an increase in living space by extending a portion of the front wall by two feet, plus a new covered porch (not screened-in) to be located over a portion of the west lake-facing deck. The deck area will increase by 197 ft^2 (143+26+72+16-60 = 197 ft^2) bringing the total deck area on the rebuild to (987 ft^2) (790 + 197= 987 ft^2)); this is exclusive of the deck area associated with the hot tub, assuming it will be reinstalled at the same site. All of the proposed deck expansions lay within the 30m buffer distance **inclusive of the covered deck (14ft x 18ft = 252 ft^2) located over the elevated deck.**

....3

Other proposed increases beyond the original living space footprint include the garage (56 ft^2), the sunroom (266 ft^2), and the area over the crawl space and east side entrance (189 ft^2) and the extension of a portion of the west wall (49.3 ft^2) for a total building proper expansion beyond the original footprint of (560.3 ft^2). **The majority of the expansion of the building proper lays outside of the 30m buffer with the exception of the covered porch on the lake side and the extension of a portion of the west wall by 2 feet and a small portion of the proposed sunroom.** The total proposed increase in footprint will be 560.3 ft^2 (560.3 ft^2 -residence with exception of the covered porch; plus 197 ft^2 - increased decking inclusive of covered porch). The total proposed building envelope (residence –inclusive of decks and garage) is 3461 $ft^{2\pm}$.

The proposal is to replace the 30+ years old septic system with a new one; the new septic tank and bed will be located entirely outside of the 30 metre buffer in the location of the existing one.

Potential Impacts:

The focus of the EIA need only be addressed to the portion of the building that encroaches into the 30m setback requirement that is outside of the original footprint. There are four places where that occurs:

1. A portion of the proposed new sunroom – 3' x 14' = 42 ft^2
2. The proposed new deck in front of the sunroom – 11' x 13' = 143 ft^2
3. The SW deck area outside of the proposed covered roof portion - 2' x 13' = 26 ft^2
4. A portion of the proposed covered deck 4' x 18' = 72 ft^2.

A portion of the original deck will not be re-established on the north side of the proposed covered portion resulting in a reduction in size in that area of approximately 3' x 20' = 60 ft^2. Therefore the total increase in footprint applicable to this EIA amounts to (42 + 143 + 26 + 72) – 60 = 223 ft^2.

Since this residence is presently year round use and the proposal does not include an increase in the number of bedrooms, then the potential nutrient loading to the lake from the septic system should remain unchanged. The proposed new and upgraded septic system should be a significant improvement. All of the proposed increases in building envelope inside of the 30m setback requirement are elevated above grade at the level of the top of the basement wall.

The increase in runoff from the proposed increased footprint of $\sim$560 ft^2 for the entire build could however contribute to more erosion downgradient from the building envelope and has the potential to increase the migration rate of nutrients toward the lake. This can be offset by implementing the recommendations below.

There are no impacts to species at risk (SAR) as a result of this proposal. The proposed increase in footprint of these additions do not contain habitats for the species indicated.

This proposal does not include any in-water or near-shore works; it does not include filling, excavating or drainage works near the water and therefore physical impacts on fish habitat are not expected. Any change in shoreline structures including near-water decking and docks will require approval from the CRCA.

...4

Recommendations:

- The potential for erosion from increased energy associated with runoff from downspouts can be mitigated by directing downspouts into French Drains or soak away pits.
- Environmentally, this property would benefit from a remediation measure to re-naturalize the area between the lake and the proposed residence (the buffer strip) with native trees and shrubs. In time, these trees will act to intercept and sequester nutrient movement toward the lake into their biomass as well as diminish the urban appearance from the water.
- Appropriate construction methods to prevent erosion of soils and materials away from the building envelope during construction period must be in place.
- All excavation materials excess to the needs of the building and septic system upgrade must be removed from the site and not used as fill downgradient from the building envelope.

In my opinion, this development as proposed, inclusive of remediation recommendations, will not cause any measurable environmental impact on Buck Lake (North Basin).

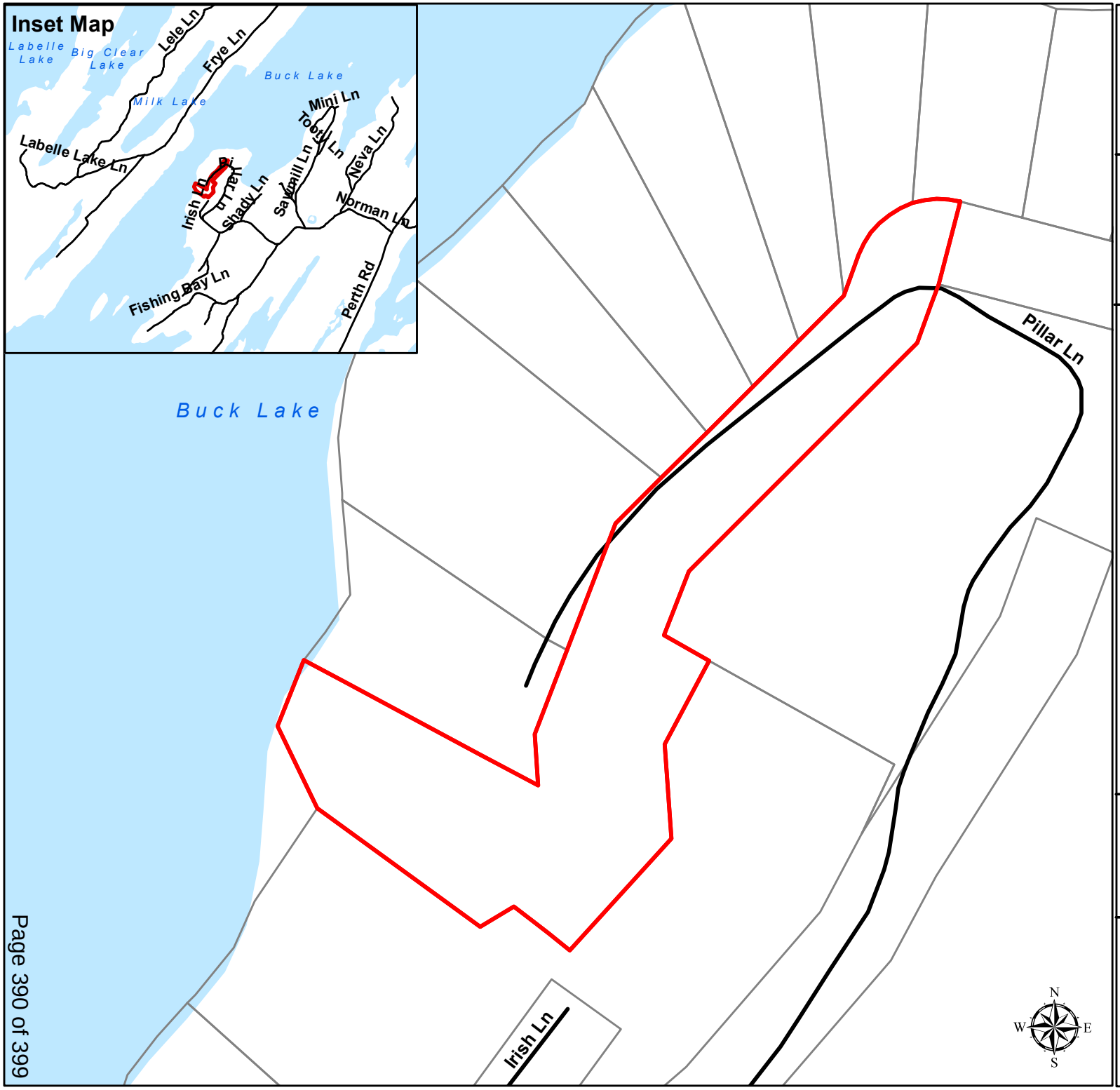
If you have any questions in the above regard, please feel free to give me a call.

Respectfully yours,



Reginald Genge B.Sc.
Ontario Lake Assessments
3654 Stage Coach Road,
HARROWSMITH, Ontario
K0H 1V0
rgenge@xplornet.ca
613-305-3863

PDF Copies to: Anna Geladi, Planner SFT
Michelle Hannah, Planning Assistant



TOWNSHIP OF SOUTH FRONTENAC

McDONALD
MV-19-20-S

1120 PILLAR LANE

Legend

- Road
- Subject Property
- Parcel Fabric
- Provincially Significant Wetland
- Waterbody
- Wetland

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 1:1,250

0 5 10 20 30 40

Meters

UTM Projection NAD 83

June 29, 2020 File: MV/FRS/119/2020

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 Minor Variance MV-19-20-L (McDonald)
Part Lot 24, Concession 14; 1120 Pillar 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 June 25, 2020.

Summary of Proposal

The proposal involves the construction of a single-family dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 23.16 metres in order to permit the construction of a single-family dwelling.
- Reduce the setback from the northern side lot line to 1.2 metres.
- Increase lot coverage to 5.6%.

Site Description

The property is located on the eastern shore of the north bay of Buck Lake. The topography of the site can be characterized as having a steep embankment at the shoreline, then continuing to rise less steeply toward Pillar Lane to the east. Presently, the lot contains a single-family dwelling and associated development.

The property is currently designated ‘Rural’ in the Official Plan and ‘Limited Service Residential – Waterfront Zone’ (RLSW) in the implementing Zoning By-law for South Frontenac Township. Buck Lake is 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 for bedrock shorelines of 1 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres. Based upon observations and measurements taken at the site, staff estimate the total erosion hazard to be approximately 11 metres measured inland from the toe of slope. The proposed development will be located outside of the erosion hazard allowance. 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.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a minimum 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 highwater mark of a waterbody.

Staff recognize that, due to lot constraints, there is limited opportunity for all development to meet the 30 metre setback required by the Official Plan. In these cases, Section 6.1.7 c. of Cataraqui Conservation's Environmental Planning Policy is applied which suggests that development may be supported within the water setback area on existing, constrained lots based upon the circumstances of a given proposal and site, where the proposed development expands or replaces an existing building or structure, or is new development on a vacant lot, and:

i) the new building or structure is set back as far as possible from the highwater mark of a waterbody and all inland setbacks are minimized;
ii) the footprint of the new building or structure is minimized, with consideration for municipal maximum lot coverage provisions;
iii) suitable methods to minimize negative impacts on surface water and riparian lands are incorporated into the development.

The proposal is seeking relief to increase the maximum lot coverage provision to 5.6%. 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 provisions of the PPS and the Official Plan, particularly when a property is located on a sensitive Lake Trout lake. In the opinion of staff, the footprint of the proposed building could be reduced slightly to meet the maximum allowable lot coverage specified in the Zoning By-law.

In addition, the proposal includes extending the lakeside deck an additional 1.2 metres toward the lake. As noted above, Buck Lake is identified as a highly sensitive Lake Trout lake, and as such, the waterbody is afforded additional protections to ensure development does not negatively impact the water quality of the lake. 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."

Based upon the water quality discussion above, staff do not support approval of the minor variance application.

Recommendation

Staff recommend deferral of application MV-19-20-L to allow the applicant to consider alternatives to the proposal that will meet the intent of the water quality policies noted herein.

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. 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. Michelle Hannah, South Frontenac Township (via e-mail)
Bruce & Kathryn McDonald, applicants (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks (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-19-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	McDonald, Gordon & Kathryn
Location:	Part Lot 24, Concession 14; RP # 13R15545 Parts 1 to 3 1120 Pillar 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. An application (# LO-33-20) to install a new sewage system has been submitted to KFL&A Public Health.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	June 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.

Michelle Hannah

From: Greg Fisher [redacted]
Sent: July-06-20 11:02 AM
To: planning
Subject: Committee of Adjustment - File MV-19-20-L - July 9, 2020

Re: Bruce & Kathy McDonald – Applicants - File number MV-19-20-L – 1120 Pillar Lane

Dear Ms. Hannah

We received a "Notice of Public Meeting" of the Committee of Adjustment with respect to the above file as our property is within 60 metres of the subject property. We are both very familiar with the subject property. We have reviewed the application in detail and wish to let the Committee of Adjustment know that we are in favour of and have no issues associated with the minor variance being requested.

Should you have any questions or wish additional comments please contact us at your convenience.

Greg & Dorothy Fisher

Greg & Dorothy Fisher

[redacted]

Michelle Hannah

From: Bruce Grant [redacted]
Sent: July-09-20 8:35 AM
To: planning
Subject: MV-19-20-L – 1120 Pillar Lane

To whom it may concern;

Having received notice regarding the above variance application and reviewing the attached documents, we wish to advise that we have no objections or concerns with the proposed project.

Submitted for your consideration.

Regards,

Bruce Grant & Cheryl Dawson

REPORT TO COMMITTEE OF ADJUSTMENT

DEVELOPMENT SERVICES DEPARTMENT

AGENDA DATE: July 9, 2020

REPORT DATE: July 2, 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-29-19-L** (Owner & Applicant) Edgar & Maureen Adams, Part Lot 3, Concession 2, Part 2 on Plan 13R21968, District of Loughborough, Township of South Frontenac, 3593 Stagecoach Road

This undisputed consent was granted provisional consent on June 29, 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 1.06 hectares (2.56 acres) and has existing structures including a house and garage. The land to be retained is approximately 18.21 hectares (45 acres) consisting of vacant land.

b) **S-05-20-P** (Owner & Applicant) Jeffery Leroux, Part Lot 12, Concession 3, being Parts 1 & 2 on Plan 13R799 and Part 2 on Plan 13R6664, District of Portland, Township of South Frontenac, municipally known as 4264 Yarker Road.

This undisputed consent was granted provisional consent on June 29, 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 1.40 hectares (3.45 acres) and has existing structures on it, including a house, attached garage and three sheds. The land to be retained consists of approximately 47.98 hectares (118.55 acres) of vacant farmland.

c) **S-07-20-P** (Applicant/Owner) Andrew & Ashley Cox (Applicant/Agent) Michael Veryzer, Part Lot 10 Concession 10 being Part Lot 3 West Side of Frontenac Street and South Side Of River Plan 35 and Part Lot 4 west side of Frontenac Street and South Side of River Plan 35 and Part Lot 5 north side of Frontenac Street, District of Portland, Township of South Frontenac, municipally known as 6467 Road 38.

This undisputed consent was granted provisional consent on June 29, 2020.

The purpose and effect of this application is for consent for a lot addition from 6467 Road 38 owned by Andrew and Ashley Cox, to an abutting property municipally known as 6475 Road 38, owned by Linda & Michael Veryzer. The area to be severed from 6467 Road 38 is approximately 0.0071 hectares (0.02 acres) of vacant

land to be conveyed to 6475 Road 38 to formalize what the owners have always thought was their land and has been maintained as such by the owner of 6475 Road 38 for their entire ownership of the land (since 1987).

ATTACHMENTS:

None

Submitted/Approved by: Michelle Hannah, Planning Assistant and
Secretary Treasurer of Committee of Adjustment